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# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92025859
Party	Plaintiff Empresa Cubana Del Tabaco d.b.a Cubatabaco
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Signature	/Lindsey Frank/
Date	02/12/2021
Attachments	Second Declaration of Susan Bailey.pdf(2909557 bytes ) Exhibit 01.pdf(3280182 bytes ) Exhibit 02.pdf(3618481 bytes ) Exhibit 02A.pdf(640006 bytes ) Exhibit 03.pdf(2550517 bytes ) Exhibit 04.pdf(1580602 bytes ) Exhibit 05.pdf(604505 bytes ) Exhibit 06.pdf(576465 bytes ) Exhibit 07.pdf(3593340 bytes ) Exhibit 09.pdf(3366264 bytes ) Exhibit 09.pdf(3366264 bytes ) Exhibit 10.pdf(4861514 bytes ) Exhibit 11.pdf(3227768 bytes ) Exhibit 12.pdf(890647 bytes ) Exhibit 13.pdf(555984 bytes ) Exhibit 14.pdf(4002118 bytes ) Exhibit 15.pdf(1519783 bytes ) Exhibit 17.pdf(1727070 bytes ) Exhibit 17.pdf(1727070 bytes ) Exhibit 19.pdf(1909485 bytes ) Exhibit 20.pdf(1034950 bytes ) Exhibit 22.pdf(1618992 bytes ) Exhibit 23.pdf(881158 bytes ) Exhibit 23.pdf(881158 bytes )

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Registration No. 1147309 For the mark COHIBA Date registered: February 17, 1981

**AND** 

#### SECOND DECLARATION OF SUSAN BAILEY

SUSAN BAILEY declares under penalty of perjury under the laws of the United States of America that the following is true and correct:

- I have worked as non-attorney staff at the law firm of Rabinowitz, Boudin,
   Standard, Krinsky & Lieberman, P.C. ("RBSKL") since 2010.
- 2. Between January 1 and February 7, 2021, I conducted searches on the internet and took the other actions described in this Declaration. As more fully described below, these actions showed:
- a. Several instances of actual confusion by U.S. consumers between the General Cigar COHIBA cigar and the Cuban COHIBA cigar, *see* Paragraphs 3-10 below;

- b. Instances in which General Cigar links its COHIBA cigars to Cuba through its COHIBA Brand Ambassador's posting on his General Cigar COHIBA Brand Ambassador social media accounts: an image of General Cigar's COHIBA cigars together with an image of Fidel Castro; images of the General Cigar's Brand Ambassador's trip to Cuba; and a positive comment on a social media post by a cigar retail store that posted images of General Cigar's COHIBA cigars together with the hashtags "#cubancigars", "#cuba" and "#habanos", see Paragraphs 11-16 below;
- c. Instances of U.S. cigar retailers' linking General Cigar's COHIBA cigars to the Cuban COHIBA cigar and Cuba in the descriptions of General Cigar's COHIBA cigars, see Paragraphs 17-18, 22 below;
- d. Instances of U.S. cigar retailers' linking General Cigar's COHIBA cigars to the Cuban COHIBA cigar by posting images of General Cigar's COHIBA cigars on social media together with images of the Cuban COHIBA design, *see* Paragraphs 19-20 below;
- e. Instances of U.S. cigar retailers' linking General Cigar's COHIBA cigars to the Cuban COHIBA cigar and Cuba by posting images of General Cigar's COHIBA cigars on social media together with the hashtags "#cubancigars", "#cuba" and/or "#habanos", see Paragraphs 16, 21 below;
- f. An article about the Cuban COHIBA cigar in a U.S. publication (print and online version) directing its readers to General Cigar's website for its COHIBA cigars, *see*Paragraph 23 below;
- g. Numerous internet postings by U.S. consumers, as well as one by General Cigar, demonstrating that U.S. consumers do not know whether it is legal or illegal to purchase Cuban cigars in the United States, *see* Paragraphs 25-34 below;

- h. That searches for "Cuban Cohiba" and "Cohiba Cuban cigars" on the search engines Bing and Yahoo, two of the top three search engines in the United States, result in the prominent display of *General Cigar*'s COHIBA cigars, including in these search engines' "Shopping" results, and direct U.S. persons to websites to purchase *General Cigar's* COHIBA cigars, *see* Paragraphs 35-39 below;
- i. That General Cigar's COHIBA cigars are sold at convenience stores in the
   United States, see Paragraph 40 below;
- j. That General Cigar's premium COHIBA cigars are frequently sold on CigarBid individually for \$2 to \$5 per cigar, in packs of five (5) cigars for \$12 to \$14 and in packs of ten (10) cigars for \$17 to \$19.50, see Paragraph 41 below;
- k. That the words "Republica Dominicana" on the bands of General Cigar's Red Dot, Blue, Black and Connecticut COHIBA cigars are in tiny print, in silver lettering against a silver background and not readily visible, *see* Paragraph 41(b) below; and
- l. Instances in which General Cigar displays the mark COHIBA without a red dot in the mark, *see* Paragraph 42 below.

In addition to the foregoing, I provide a comparison of the lettering of the word COHIBA in: (i) General Cigar's 1995 USPTO Trademark Registration (Registration No. 1,898,273); (ii) General Cigar's prior and current uses of the mark COHIBA; (iii) prior and current uses of the Cuban COHIBA mark; and (iv) uses of COHIBA by third parties that General Cigar has alleged are likely to cause confusion. *See* Paragraph 43 below.

The evidence included in this Declaration is in addition to other evidence Petitioner has submitted in this proceeding showing, among other things: actual confusion by U.S. consumers between the General Cigar and Cuban COHIBA cigars; General Cigar, cigar retailers and others

in the United States associating the General Cigar COHIBA cigar with the Cuban COHIBA cigar and Cuba; lack of knowledge by U.S. consumers of whether or not it is legal to purchase Cuban cigars in the United States; the price point of cigars, including General Cigar's COHIBA cigars, in the United States; the care with which U.S. consumers purchase cigars; and the other evidence included in this Declaration.

### I. <u>Instances of Actual Confusion</u>

#### A. Cigars International

3. On Cigars International's webpage offering for sale General Cigar's COHIBA cigars together with Montecristo cigars and a cigar humidor, a "Verified Buyer" Timothy C. left a Customer Review that states: "I thought the Cohiba cigars would be from Cuba not the Dominican Republic." *See* Exhibit 1 attached hereto. This Customer Review is dated October 7, 2016.

Cigars International is a cigar retailer located in the United States that is owned by the same company as General Cigar. It sells cigars, including General Cigar's COHIBA cigars, online, through catalogs and at retail locations in the United States. Cigars International's website also allows persons buying cigars from this website to leave "Customer Reviews" on the website. *See* below and Exhibit 1 attached hereto.

Attached hereto as Exhibit 1 is a true and correct copy of what appeared on my screen when I went to the Cigars International's webpage located at <a href="https://www.cigarsinternational.com/p/cohiba-montecristo-humidor-collection-samplers/1494239/">https://www.cigarsinternational.com/p/cohiba-montecristo-humidor-collection-samplers/1494239/</a>.

Timothy C. undoubtedly is a person located in the United States, as Cigars International only sells to persons located in the United States and its territories. When I went to purchase a

cigar from the Cigars International website on February 2, 2021, it made me fill out a "Shipping Address" with a dropdown menu for the "Country" field that only allowed me to enter in the United States or one of its territories. Additionally, on February 2, 2021, I called the telephone number identified on Cigars International's "Contact Us" webpage (1-888-244-2790) and spoke with one of Cigars International's representatives who told me that Cigars International only sells within the United States. Cigars International's website states that: it is headquartered in Bethlehem, Pennsylvania with store locations only in the United States; and it "sell[s] an extensive range of handmade cigars directly to 885,000 US consumers." It is owned by Scandinavian Tobacco Group A/S. Attached hereto as part of Exhibit 1 are true and correct copies of what appeared on my screen when I went to Cigars International's "About Us" and "Contact Us" webpages and the webpage that appeared when I went to purchase a cigar from the Cigars International website.

#### B. <u>CigarBid</u>

4. On January 26, 2021, I went to a cigar forum discussion on CigarBid that took place between August 9-12, 2019 and is posted and visible to the public at <a href="https://www.cigarbid.com/Forum/c/posts/m/4426543/FNG">www.cigarbid.com/Forum/c/posts/m/4426543/FNG</a> and printed and downloaded to PDF what appeared on my screen, a true and correct copy of which is attached hereto as Exhibit 2.

In that post, the initial poster, with the account name "GetNBy929", states:

Making my rounds. On and off enjoying the leaf for a few years now. Introduced with a true Cuban red dot years ago and been chasing it ever since. Found a few I like and a few so so. I have been stalking the forums and decided to introduce myself officially. Hello, fire away.

A person, with the account name "clintCigar", responds:

Welcome to the madhouse!

Do you mean Cohiba Red Dot?

GetNBy929 replies:

Yes a CC Cohiba red dot ["CC" stands for "Cuban cigar," see below]

clintCigar replies in response to GetNBy929's comment "Yes a CC Cohiba red dot":

I'm pretty sure all the Cohiba Red Dots are not Cubans. They are Dominican.

clintCigar then refers GetNBy929 to a Wikipedia entry at https://en.m.wikipedia.org/wiki/Cohiba (cigar brand) for a "Cohiba history lesson."

GetNBy929 then replies:

As far as the red dot origin, it was about 16 years ago on an island and there was a specific wrapper on it that said havana, young, dumb,..., still uneducated.

Another person, with the account name "Pudding Mittens" then states:

Yup the red dot ones are Dominican, not Cuban, unless I'm going senile and my memory is failing....

A fourth person, with the account name "delta1" then states:

don't recall ever seeing anything about Cuban Cohibas with a Red Dot name... welcome to the asylum GetNBy...

GetNBy929 then replies:

Yeah looking back at things I did have a true CC cohiba robusto. The red dot was my first attempt to replicate back home. The yellow with black and white dots behind the head with the raised lettering I distinctly remember it now after seeing it. Anyways, now I am yearning for another.

CigarBid (www.cigarbid.com) describes itself as "America's #1 Online Cigar Auction" website. CigarBid also has on its cigar auction website a Community Forum that allows users to post comments. Anyone on the internet can view these comments; however, only users registered on CigarBid and located in the United States can post comments. *See* below in this Paragraph 4. CigarBid's Community Forum webpage states that "[s]ince

March 29, 2000, 10,603 users have made 4,518,869 posts in 218,250 topics" on its Community Forum. Attached hereto as part of Exhibit 2 is a true and correct copy of CigarBid's Community Forum homepage.

In order to post a comment on one of CigarBid's cigar forum discussions, I needed to register on CigarBid's website; when I went to register on CigarBid's website, the website required me to enter in an address in the United States or one of its territories. Attached hereto as Exhibit 2A is a true and correct copy of what appeared on my screen when I went to register as a user on CigarBid's website.

Attached hereto as Exhibit 3 is a true and correct copy of an article on Stogie Press dated September 23, 2019 titled "Cigar 101: Wtf Are These Cigar Acronyms And Terms?" by Mike Holmes that I printed and downloaded from <a href="https://stogiepress.com/cigar-101-wtf-are-these-cigar-acronyms-and-terms-by-mike-holmes/">https://stogiepress.com/cigar-101-wtf-are-these-cigar-acronyms-and-terms-by-mike-holmes/</a>. This article explains what numerous cigar abbreviations and terms mean. It states that "CC" stands for "Cuban Cigar" and "NC" is a "Non Cuban" cigar. Stogie Press indicates on its website that it is located in Melbourne, Florida. *See* Exhibit 3.

#### C. Reddit

5. Reddit (www.reddit.com) is an online discussion forum based in the United States. The Reddit website states that "Reddit is a growing family of millions of diverse people sharing the things they care about most" that has over 52 million active users and over 50 billion monthly views. *See* "Press" section of the Reddit website, a true and correct copy of which is attached hereto as Exhibit 4.

Anyone on the internet can see Reddit posts, even if she or he does not have a Reddit account and is not a member of a Reddit community; however, only persons with Reddit

accounts can make posts to Reddit or become a member of a Reddit community. *See* Reddit, "Can anyone post to Reddit," *available at* <a href="https://reddit.zendesk.com/hc/en-us/articles/205166565-Can-anyone-post-on-Reddit-">https://reddit.zendesk.com/hc/en-us/articles/205166565-Can-anyone-post-on-Reddit-</a>, a true and correct copy of which is attached hereto as part of Exhibit 4. Reddit users makes posts to specific Reddit "communities" which are a collection of posts concerning a certain topic. *See* Reddit, "What is Reddit," *available at* <a href="https://reddit.zendesk.com/hc/en-us/articles/204511479-What-is-Reddit-">https://reddit.zendesk.com/hc/en-us/articles/204511479-What-is-Reddit-</a>, a true and correct copy of which is attached hereto as part of Exhibit 4.

In this Declaration, I identify posts made by users to two Reddit communities – the "cigars" community and the "Ask Reddit" community.

The Reddit "cigars" community describes itself as "Of, or relating to, the business of cigars"—"A virtual lounge for all of your cigar needs. Come in, pick out a smoke, and sit down and enjoy the conversation of other enthusiasts as we discuss our favorite smokes and pairings, news and latest releases in the cigar industry, and much, much more." As of February 7, 2021, the "cigar" community had one hundred and thirteen thousand, and sixty-nine (113,069) members. A "member" of a community sees posts to that community when she or he first logs into her or his Reddit account. Attached hereto as Exhibit 5 is a true and correct copy of the main Reddit "cigars" community page.

The "Ask Reddit" community states that it "is the place to ask and answer thought-provoking questions" and that, as of February 7, 2021, it has thirty-one million, three hundred forty-one thousand, eight hundred and five (31,341,805) members. Attached hereto as Exhibit 6 is a true and correct copy of the main "Ask Reddit" community page.

6. On January 26, 2021, I went to the Reddit post titled "Is there a Cohiba Dominican Equivalent of a Cohiba Siglo I?" posted on October 2, 2018 to the Reddit "cigars"

community by a user with the account name "SkiAMonkey" and located at <a href="https://www.reddit.com/r/cigars/comments/9krnwa/is">https://www.reddit.com/r/cigars/comments/9krnwa/is</a> there a cohiba dominican equivalent of a/ and took screen shots and printed to PDF and downloaded what appeared on my screen, a true and correct copy of which is attached hereto as Exhibit 7.

In that post, "SkiAMonkey" asks:

Is there a Cohiba Dominican Equivalent of a Cohiba Siglo I? Just looking for a similar 42 ring 102mm length Cohiba that is available in the US. Any help is appreciated, thanks!

I have reviewed General Cigar's website for its COHIBA cigar (<a href="www.cohiba.com">www.cohiba.com</a>) and the website that lists the different types of Cuban COHIBA cigars (<a href="www.habanos.com">www.habanos.com</a>). General Cigar does not make a Siglo I COHIBA cigar; there is a Cuban Siglo I COHIBA cigar.

One of the individuals who responded to this post states:

I'm sure you can find a Dominican Cohiba in a similar size, but it will not be any more 'equivalent' than any other cigar in that size. There is no relation between the companies that produce Dominican and Cuban Cohibas. The name thing is just misleading

The original poster ("SkiAMonkey") replies to this comment by stating:

### Ahh, TIL.

"TIL" is a common abbreviation on Reddit for "Today I Learned." *See* article attached hereto as Exhibit 8 from *Lifewire* dated April 4, 2020 showing that "TIL" is a common abbreviation on Reddit for "Today I Learned" and describing the history of this abbreviation. *Lifewire*'s "About Us" and "Contact Us" webpages indicates that *Lifewire* is located in New York, New York and that it "provides expert-created, real-world technology content for more than 10 million users like you every month. We have more than 50 technology professionals — software developers, educators, web designers, speakers, consultants, and more — all producing

articles with informative visuals and straightforward instruction." Attached hereto as part of Exhibit 8 is a true and correct copy of *Lifewire*'s "About Us" and "Contact Us" webpages.

Other posts by "SkiAMonkey," including around the same time as the above-referenced post, indicate that this person is located in the United States. For example, in approximately 2019 this user posted "Visited Green Bay over the weekend" and shows a man in a Chicago Bears hat outside of Lambeau Field in Green Bay, Wisconsin. Attached hereto as part of Exhibit 7 is a true and correct copy of this Reddit post. Another post by this user from approximately 2016 pastes a notice from Northwestern Pritzker School of Law (located in Chicago, Illinois) and other posts discuss Chicago topics.

7. On February 7, 2021, I went to the Reddit post titled "First Cohiba, Red dot" posted on January 5, 2021 to the Reddit "cigars" community by a user with the account name "outlandish229" and located at

https://www.reddit.com/r/cigars/comments/kr7peb/first\_cohiba\_red\_dot/ and took screen shots and printed to PDF and downloaded what appeared on my screen, a true and correct copy of which is attached hereto as Exhibit 9.

In this post, "outlandish229," who, in another post states that he just got into smoking cigars this year, see below, states:

**First Cohiba, Red dot** [and attaching an image of General Cigar's COHIBA Red Dot cigar]

A Reddit user with the account name "YNWA" responds:

The problem is you spent money on them only because of their name, disregarding whether or not they are worth the money. They're not. All of the heritage brands simply exist to grab sales based on their world famous Cuban marca namesakes. And it works! They make a killing, the only problem is their cigars generally suck balls. Ok maybe thats a bit harsh, they only suck one ball. The point is that your money is being wasted on subpar cigars sold at a big markup. There are tons of cigar companies doing it right and making a

much better product for the same money, and in most cases for less money. Here's a very similar recent thread to look over, with a lot of recommendations if you're interested.

A Reddit user with the account name "antediluvian" responds:

The Cohiba is probably the best in the aforementioned lot. Not bad for the price on CBid. Would say the best offering by a well known Cuban company. The black one is fairly good. Wouldn't pay retail though.

A Reddit user with the account name "lurker\_to\_poster" responds to "antediluvian"'s comment that 'Would say the best offering by a well known Cuban company.'

----- 'Would say the best offering by a well known Cuban company.'

No. No. No no no no no no no no no.

These are NOT Cuban Cohibas and this is not a Cuban company, well known or not. This is a Dominican company making cheap cigars that they call "Cohiba" because the "well known Cuban company" can't enforce their trademark rights or protection in the U.S. They're cheap \$3 cigars that online retailers and stores mark up to \$10-\$15-\$20 because they can fool unknowledgeable American consumers into paying top dollar for what they THINK is an "offering by a well known Cuban company." They're not.

If the OP [original poster] is paying \$5 for them, that's not really that bad, and if he enjoys them, he's certainly within his rights to smoke them. But when people like you tell others that they're an "offering by a well known Cuban company," they're not.

"YNWA" states:

### LISTEN TO THIS MAN.

"outlandish229" responds:

So your biggest beef with them is that they're essentially a scam based off of the original "cuban" Cohiba? The more you know I guess. I was aware they weren't real cubans, but didn't know they weren't the same company. I Thought they just started growing, and distributing in the U.S.

"YNWA" states:

Imagine Sweden becoming a communist hellhole and isolated from the world. The next day I open up Saab in America and start selling a shittier version just because I can, using the same name, and everyone thinks it's still affiliated with the original. I'd be a giant douche, right?

"outlandish229" responds:

Absolutely. Just read about their court case from 2010. Pretty shitty to steal a brand from right underneath a company.

"lurker\_to\_poster" then states:

If they just called them "Red Dots" and sold them for \$3, \$4, \$5, whatever, I'd have no problem with them. Let people who smoke cheap cigars smoke them at a fair price. But when they steal the name "Cohiba", and sell them for \$10-\$15-\$20 because of name recognition, NOT because they're \$10-\$20 cigars, I have a problem with that. I hate seeing my BOTL and SOTL getting ripped off.

"antediluvian" then responds:

Who cares. They aren't bad and you can pick them up for 3 bucks on CBid. That's my point.

"lurker to poster" states:

Then stop spreading misinformation that they're "the best offering by a well known Cuban company." This is a forum for people to discuss and learn about cigars, and not to be fed misinformation.

"antediluvian" states:

Red dot is a great cigar for the price. Regardless of what company it comes from fake or not.

Glad you are here to show everyone the light.

"outlandish229" states:

Yeah I have a couple of those I got in the sampler packs. I've just been trying a lot of different smokes while trying to fill up the massive humidor my girlfriend got me for christmas. Trying to see what I like as well. Wanted to at least try a couple of them based on the hype. Don't think I would buy them again, but the one I had was worth 5 bucks to me.

"YNWA" states:

This is exactly the problem - you're mistaken, though it's not really your fault. You've been tricked, like many others before you.

Another post on Reddit by the user "outlandish229", posted on December 25, 2020 states: "Just got into cigars this past year, and my girlfriend bought me a beautiful case elegance humidor for Christmas." Attached hereto as part of Exhibit 9 is a true and correct copy of that Reddit post, located at <a href="https://www.reddit.com/r/cigars/comments/kk1i5g/just\_got\_into\_cigars\_this\_past\_year\_a">https://www.reddit.com/r/cigars/comments/kk1i5g/just\_got\_into\_cigars\_this\_past\_year\_a</a> and my/.

Other posts by "outlandish229," as well as the fact that he was smoking a General Cigar COHIBA Red Dot cigar, which is only sold in the United States, indicates that this person is located in the United States. For example, in one post from November 26, 2020, "outlandish229" states "Unfortunately I don't have an academy [this is a name of a store] near me, the closest one is about 2 hours away, and here in florida every store I've been to is taxing out the ass." In another post, dated October 8, 2020, "outlandish229" states "I'm in florida, and the only local stores that sell knives here are Walmart, and a place called sur la table, and they only really carry henckels, miyabi, wusthof, and Bob kramer." Attached hereto as part of Exhibit 9 are true and correct copies of these Reddit posts.

Other posts by "antediluvian," including numerous posts discussing U.S. politics, as well as the fact that he indicates that he buys General Cigar COHIBA cigars, which are only sold in the United States, indicate that this person is located in the United States.

8. On January 26, 2021, I went to the Reddit post titled "Headed to the cigar lounge tmrw. Anyone want to recommend a Cohiba?" posted on June 10, 2018 to the Reddit "cigars" community by a user with the account name "jhurle9403" and located at

https://www.reddit.com/r/cigars/comments/8q38m1/headed to the cigar lounge tmrw anyone

want to/ and took screen shots and printed to PDF and downloaded what appeared on my screen, a true and correct copy of which is attached hereto as Exhibit 10.

In that post, "jhurle9403" asks:

Headed to the cigar lounge tmrw. Anyone want to recommend a Cohiba? My normal go to is a Romeo e Julieta 1875 but I'm wanting to broaden my experiences. What's your favorite Cohiba?

One person, with the account name "Icecream\_and\_cigars", responding to this comment states:

DO NOT buy a Cohiba from a cigar lounge. They're average cigars that are crazy overpriced.

Buy something by Arturo Fuente. Look for Arturo Fuente Hemmingway. They're not hard to find. Or something with AJ Fernandez in the name. He works with lots of different companies to blend cigars and his stuff is generally very good.

Seriously--do not pay ridiculous prices for a Cohiba just because of the name. The company has no connection to the Cuban cigar. It's just a marketing gimmick.

The original poster ("jhurle9403") responds to this comment by stating:

#### Good to know thanks

Another person, with the account name "lurker\_to\_poster" states:

Please, please don't buy a non-Cuban Cohiba at a B&M. They're meh \$3 cigars that you can get in samplers FOR \$3, that B&Ms sell for upwards of \$10 because of the name, which General Cigar ripped off from Habanos S.A. because Habanos S.A. can't legally sell real Cohibas in the U.S.

There are so, so many better \$10-\$15 cigars that you can get for your money. ["lurker\_to\_poster" then recommends certain cigars]

"B&M" stands for "brick and mortar" retail stores. *See supra* Exhibit 3. Non-Cuban Cohiba cigars are only sold at brick and mortar retail stores *in the United States*.

The original poster ("jhurle9403") responds to this comment by stating:

#### Awesome thanks!

A third person, with the account name "cigarshopmanager," that Reddit indicates is located in Alabama, responds to the response by "lurker\_to\_poster" by stating, among other things:

You have no clue what you are talking about. First off, General leases the rights from for cohiba, they handle distribution throughout north America.

Other posts by "jhurle9403" indicate that this person is located in the United States. For example, in one post from approximately May 2020, this user states "Do you vote? If so, for whom? .... While I did vote for trump in 2016, I believe I'll vote for Jacob Hornberger in 2020." In another post from approximately August 2020, this user asks "I'm starting to look for a condo in Atlanta/Buckhead. There doesn't seem to be a lot of online information on which buildings are built well and have good sound insulation. If you live in an Atlanta condo, I'd appreciate your feedback, good or bad. Thanks!" A third post from approximately 2020, states "My little sister (15) makes these American flag blankets to help save for college. So proud of her! 120+ hours of work." Attached hereto as part of Exhibit 10 are true and correct copies of these Reddit posts.

9. On January 26, 2021, I went to the Reddit post titled "Review #1 Cohiba Red Dot Toro en Tubo" posted on April 21, 2018 to the Reddit "cigars" community by a user with the account name "AnIncoherentWhiteGuy" and located at <a href="https://www.reddit.com/r/cigars/comments/8e0oqg/review\_1\_cohiba\_red\_dot\_toro\_en\_tubo/">https://www.reddit.com/r/cigars/comments/8e0oqg/review\_1\_cohiba\_red\_dot\_toro\_en\_tubo/</a> and took screen shots and printed to PDF and downloaded what appeared on my screen, a true and correct copy of which is attached hereto as Exhibit 11.

In that post, "AnIncoherentWhiteGuy", who says that he is "still pretty new to cigars" reviews a General Cigar Red Dot en Tubo COHIBA cigar (and posts a picture of same, a true and correct copy of which is attached as part of Exhibit 11). General Cigar's COHIBA cigars are only sold in the United States, *see*, *e.g.*, Declaration of Steven Abbot, ¶ 21, dated September 29, 2020, 287 TTABVUE 14, and so "AnIncoherentWhiteGuy" must be located within the United States. He says that he "was really looking forward to this stick [cigar] given the reputation of Cohiba" but that he was "not sure it was worth the ~\$18 out the door" it cost him.

A person with the account name "YNWA" responded to the original poster by stating:

Just an fyi in case you don't know this already, but there are 2 Cohiba companies - the Cuban and the non-Cuban - and they're not at all affiliated with each other. Way back when, the Cuban companies (aka the Cuban govt) sold the rights to their brand names to American companies who then started making cigars under those names but using tobacco from Nicaragua and the Dominican Republic. The whole point, of course, was to cash in on the famous name brand. And it worked, because many newer cigar smokers feel the same way you did when you said "I was really looking forward to this stick given the reputation of Cohiba." I'm not coming down on you at all, I'm just informing you a bit on the subject. So just keep in mind that the Cuban Cohiba reputation is entirely different than the non-Cuban Cohiba reputation. As others here have commented already, many people don't care for the non-Cuban Cohiba at all, myself included. Not only are the non-Cubans way overpriced (because of the name), they're just plain average in terms of quality and flavor. Of course opinions do vary, but there it is.

The original poster responds to this comment by stating:

Thanks for letting me know, since that's the case I'd love to try an authentic Cuban one someday!

Another individual responding to the original poster states:

I've gotten Red Dot Cohibas on Cigarbid for less than 3 dollars each. That MSRP is obscene. Having said that, I think most everyone overpays for stuff when they first get into cigars. Also I'm not a big fan of the Red Dots. They're pretty bland. The Black and the Nicaraguan were both pretty decent if you can get them for 5 bucks or less. I definitely wouldn't pay more than 6 bucks

for any of the Non-Cuban Cohibas. They're all marketing set to sucker in newer cigar smokers. There's lots of companies like that in cigars. It's not easy to navigate at first. Keep at it and you'll find some good smokes for cheaper.

••

[T]hey're way cheaper than the big brands newer smokers get drawn into.

The original poster responds to this comment by stating:

Thanks for the recommendations! Looking forward to trying new things and learning how to avoid the beginners traps!

Other posts by "AnIncoherentWhiteGuy" indicate that this person is located in the United States. One post by this user, from approximately, September 2020, states "Traditional Eagle to cover up a surgery scar on my leg. Done by Cody at Cornerstone Tattoo Gallery in Senoia, Ga!" Another post from this user in approximately February 2020 discusses the differences between Georgia Southern University and University of Georgia. Attached hereto as part of Exhibit 11 are true and correct copies of these Reddit posts.

10. On January 25 and 29, 2021, I went to the Instagram post dated December 3, 2019 by "seanwilliams\_cohiba," General Cigar's Brand Ambassador for its COHIBA cigar located at <a href="https://www.instagram.com/p/B5nI-ziHebW/">https://www.instagram.com/p/B5nI-ziHebW/</a> and took a screen shot and printed to PDF and downloaded what appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 12.

This post promotes an event for General Cigar's COHIBA cigars on December 6, 2019 in Newark, New Jersey and shows General Cigar's COHIBA cigar and Sean Williams. The first comment by a user is from the Instagram account "classicman4658" and states "Cuba's finest." This Instagram post indicates that it was Liked by 87 Instagram users. I clicked on the Instagram account name "classicman4658." A true and correct copy of what appeared on my screen is attached hereto as part of Exhibit 12. It states "Washiongton DC ? as real as it gets."

# II. <u>General Cigar's COHIBA Brand Ambassador Associates General Cigar COHIBA Cigar With Cuba</u>

"seanwilliams\_cohiba," General Cigar's Brand Ambassador for its COHIBA cigar located at <a href="https://www.instagram.com/p/B4Se4wen2td/">https://www.instagram.com/p/B4Se4wen2td/</a> and took a screen shot and printed to PDF and downloaded what appeared on my screen, a true and correct copy of which is attached hereto as Exhibit 13. This post promotes a "Cohiba event with "@seanwilliams\_cohiba" [the Instagram account for General Cigar's Brand Ambassador for its COHIBA cigar] in Wichita, Kansas and shows General Cigar's COHIBA cigars on a display table together with statue of Fidel Castro, identifying him as "Fidel Castro." I paste below the image that General Cigar's COHIBA Brand Ambassador, Sean Williams, posted to his Instagram account:



Sean Williams' Instagram account – "seanwilliams\_cohiba" – describes Mr. Williams as "COHIBA Cigars Blender & Ambassador" and has a link to General Cigar's website for its COHIBA cigar, <a href="www.cohiba.com">www.cohiba.com</a>.

12. On January 13, 2021, I went to a Twitter post ("tweet") dated June 20, 2017 posted by Sean Williams (@sean\_cohiba), General Cigar's Brand Ambassador for its COHIBA cigar and printed and downloaded to PDF what appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 14. This tweet identifies the location identified as "Cuba." The tweet states "Havana reminds me so much of home.... looks and feels like the French Quarter, which is actually..." and has a link to an Instagram post. I clicked on the link and printed and downloaded to PDF what appeared on my screen, a true and correct copy of

which is attached hereto as part of Exhibit 14. This appears to be an image of Mr. Williams smoking a cigar in Havana, Cuba. The Instagram post indicates that it was Liked 236 times.

- 13. On January 14, 2021, I went to a Twitter post dated June 21, 2017 posted by Sean Williams (@sean\_cohiba), General Cigar's Brand Ambassador for its COHIBA cigar and printed and downloaded to PDF what appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 15. This tweet identifies the location as "Cuba." The tweet states "La Habana.... @ Havana, Cuba" and has a link to an Instagram post showing an image of Havana, Cuba. I clicked on the link and printed and downloaded to PDF what appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 15. The Instagram post indicates that it was Liked 132 times.
- 14. On January 14, 2021, I went to a Twitter post dated June 21, 2017 posted by Sean Williams (@sean\_cohiba), General Cigar's Brand Ambassador for its COHIBA cigar and printed and downloaded to PDF what appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 16. This tweet identifies the location as "Cuba." The tweet states "Baseball is the number one sport here but Cuba has done it's share for boxing as well with great..." and has a link to an Instagram post. I clicked on the link and printed and downloaded to PDF what appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 16. The Instagram post indicates that it was Liked 101 times.
- 15. On January 29, 2021, I went to a Twitter post dated June 21, 2017 posted by Sean Williams (@sean\_cohiba), General Cigar's Brand Ambassador for its COHIBA cigar and printed and downloaded to PDF what appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 17. This tweet identifies the location as "Cuba." The tweet states "Wednesday in the parking lot at Ernest Hemingway's home.... #Havana #Cuba

#ErnestHemingway..." and has a link to an Instagram post. I clicked on the link and printed and downloaded to PDF what appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 17. The Instagram post indicates that it was Liked 95 times.

16. On January 25, 2021, I went to the Instagram post by "excaliburcigarloungerb" dated November 4, 2019 and located at <a href="https://www.instagram.com/p/B4czO8un3zZ/">https://www.instagram.com/p/B4czO8un3zZ/</a> and took screen shots and printed to PDF and downloaded what appeared on my screen, a true and correct copy of which is attached hereto as Exhibit 18. This post shows a General Cigar COHIBA cigar with hashtags that include the hashtags "#habanos", "#cubancigars" and "#cuba." The only comment to this post is from the Instagram account, "seanwilliams\_cohiba," which is the Instagram account for General Cigar's Brand Ambassador for its COHIBA cigar. This comment states "Cheers!"

I clicked on the Instagram account "excaliburcigarloungerb." A true and correct copy of what appeared on my screen is attached hereto as part of Exhibit 19. I clicked on the link <a href="https://www.excaliburcigarlounge.com/">https://www.excaliburcigarlounge.com/</a> on that Instagram account. A true and correct copy of what appeared on my screen is attached hereto as part of Exhibit 19. The Instagram account for "excaliburcigarloungerb" indicates that cigar store was located in San Diego, California and closed in or around July 2020 because of COVID-19. I reviewed the last twenty (20) Instagram posts by the account "excaliburcigarloungerb." These posts show images of different cigars such as HV, Montecristo, Fuente Opus X, Liga Privada No. 9, Rub, Arturo Fuente, Andalusian Bull, Diesel and are dated from June 13, 2020 to January 12, 2020 These posts include numerous hashtags by "excaliburcigarloungerb"; however, none of these posts include the hashtags "#habanos", "#cubancigars" or "#cuba".

# III. <u>U.S. Cigar Retailers Associate General Cigar COHIBA Cigar With Cuba And the Cuban COHIBA Cigar</u>

17. On January 25, 2021, I went to the Cigar.com webpage located at <a href="https://www.cigar.com/p/cohiba-tins-cigars/2000684/">https://www.cigar.com/p/cohiba-tins-cigars/2000684/</a> and took screen shots and printed to PDF and downloaded what appeared on my screen, a true and correct copy of which is attached hereto as Exhibit 20. That website is offering for sale General Cigar's COHIBA cigarillo tins together with a description of those cigars that states:

Small size, big flavor.

Cohiba is the best-known name in cigars. After Castro took control of Cuba, this brand was commissioned by the Dictator to make the finest Cuban cigars available. Early on, they were reserved for dignitaries and high-ranking government officials. Over time the cigars became available to a wider audience, and are now considered the top cigar manufactured in Cuba today.

This website lists: a pack of ten (10) Cohiba Red Dot Miniatures for sale for \$14.99; a pack of six (6) Cohiba Nicaragua Pequenos for sale for \$14.85; a pack of six (6) Cohiba Red Dot Pequenos for sale for \$14.99; and a pack of six (6) Cohiba Black Pequenos for sale for \$15.99.

18. On January 25, 2021, I went to the Cigars International's webpage located at <a href="https://www.cigarsinternational.com/p/cohiba-macassar-cigars/1508600/">https://www.cigarsinternational.com/p/cohiba-macassar-cigars/1508600/</a> and took screen shots and printed to PDF and downloaded what appeared on my screen, a true and correct copy of which is attached hereto as Exhibit 21. That website is offering for sale General Cigar's Macassar COHIBA cigars together with a description of that cigar that begins:

Mama-say, mama-sah, ma Macassar

Walk up to anyone on the streets, ask them to name a cigar brand, and chances are they're gonna say "Cohiba." Cohiba has built their legacy brick by brick for decades, from their Cuban origins to their innovative new blends like Cohiba Nicaragua. With Cohiba Macassar, the Modern Luxury line continues its epic streak of successes. This new blend represents the pinnacle of the brand's offerings. They're big shoes to fill, but I promise you, Cohiba Massacar is the real deal.

19. On January 15, 2021, I went to the Instagram post by "ralphscigars" in Chicago, Illinois dated June 7, 2019 and located at <a href="https://www.instagram.com/p/BybHZNQHmFT/">https://www.instagram.com/p/BybHZNQHmFT/</a>. I clicked on the image to reveal "ralphscigars"'s tags for this photo and printed and downloaded to PDF what appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 22. This post shows an image of General Cigar's COHIBA cigar with an ashtray with the design of the Cuban COHIBA cigar and with the word "Habana" visible. I paste below a copy of the image included in this post:



When I clicked on the tag on this post photo for "cohibacigars," it took me to the General Cigar's Instagram account for its Cohiba cigar. I attach hereto as Exhibit 23 a true and correct copy of what appeared on my screen when I clicked on the tag on this post for "cohibacigars." I clicked on "ralphscigars" and printed and downloaded to PDF what appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 22.

20. On January 15, 2021, I went to the Instagram post by "tobacco4less90303" in Inglewood, California dated September 17, 2019 and located at <a href="https://www.instagram.com/p/B2h5SxNHbP5/">https://www.instagram.com/p/B2h5SxNHbP5/</a>. I clicked on the image to reveal

"tobacco4less90303"'s tags for this photo and printed and downloaded to PDF what appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 24. This post shows General Cigar's COHIBA cigars on an ashtray with the design of the Cuban COHIBA cigar. I paste below a copy of the image included in this post:



When I clicked on the tag on this post for "cohibacigars," it took me to the General Cigar's Instagram account for its Cohiba cigar. I attach hereto as Exhibit 23 a true and correct copy of what appeared on my screen when I clicked on the tag on this post for "cohibacigars." When I clicked on the account name "tobacco4less90303," the Instagram account for "tobacco4less90303" appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 24.

21. On January 15 and 29, 2021, I went to the Facebook post by "Leo Brown" dated September 23, 2019 and located at

https://www.facebook.com/BarrelsNLeafs/posts/1308483785978292 and printed and downloaded to PDF what appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 25. The post I viewed indicates that the poster is "with Sean Williams"

General Cigar's Brand Ambassador for its COHIBA cigar – and shows an image of a General
 Cigar COHIBA cigar together with hashtags that include the hashtags "#cohiba", "#cubancigars"
 and "#cuba."

When I clicked on the name Leo Brown, the Facebook page for Leo Brown appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 25. When I clicked on the name "Sean Williams" in the post, the Facebook account for Sean Williams, the Brand Ambassador for General Cigar's COHIBA cigar appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 25.

22. On January 19, 2021, I went to webpage for Rocky's Cigars in Syracuse, New York and printed and downloaded to PDF its webpage for the General Cigar COHIBA Blue cigar, located at <a href="https://rockyscigars.com/collections/cohiba-blue">https://rockyscigars.com/collections/cohiba-blue</a>. Attached hereto as Exhibit 26 is a true and correct copy of what appeared on my screen. It states, *inter alia*, "The legendary Cuban-heritage of Cohiba is not lost on this blue blend. It shows off more of an everyday smoke than its pricey cousin."

Attached hereto as part of Exhibit 27 is a true and correct copy of the Instagram post dated October 10, 2019 and located at <a href="https://www.instagram.com/p/B3cJ3QtHj4Z/">https://www.instagram.com/p/B3cJ3QtHj4Z/</a> from the account of Sean Williams, General Cigar's Brand Ambassador for its COHIBA cigar. It shows Sean Williams at Rocky's Cigars in Syracuse, New York. I clicked on the words "Rocky's News Stand" in this post and printed and downloaded to PDF what appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 27.

23. On February 2, 2021, I reviewed the Fall/Winter 2016 issue of *Navigator* magazine. Attached hereto as Exhibit 28 is a true and correct copy of an article titled "Smoke on

the Water: Cigars & Cognac" by Julia Zaltzman—as well as the cover, publishing information and index—from the Fall/Winter 2016 issue of *Navigator* magazine.

This article clearly shows Cuban COHIBA cigars—not the General Cigar COHIBA cigar—but directs its readers to the website for the General Cigar COHIBA cigar.

Navigator magazine states that it is published by N&J Media LLC located in Fort Lauderdale, Florida. Page 83 of this issue, in the article titled "Smoke on the Water: Cigars & Cognac" shows three cigars, one of which is the Cuban COHIBA cigar with the words "Habana, Cuba" clearly visible. The article describes the Cuban COHIBA cigars as "[a] classic Cuban Cohiba," the "world-class Cohiba" and "[t]he very prestigious Cohiba Behike."

The last page of this issue has a LUXURY INDEX, which includes the following entry for "COHIBA":

COHIBA Page 83 www.cohiba.com

On February 2, 2021, I went to the website located at <a href="www.cohiba.com">www.cohiba.com</a>. This is a website for the General Cigar COHIBA cigar.

On February 2, 2021, I went to the website of Northrop and Johnson to the section for *Navigator* magazine located at <a href="https://www.northropandjohnson.com/media-publications/navigator/">https://www.northropandjohnson.com/media-publications/navigator/</a>. I printed out what appeared on the screen under the headline "The Quintessential Luxury Lifestyle Publication" which read, in part:

...As a Northrop & Johnson publication, Navigator is distributed to ultra-high net worth individuals around the world, including yacht owners and charterers, leaders in financial sectors, art dealers and collectors, philanthropists and other influencers. Each issue has a print run of 10,000 copies and can be found at Northrop & Johnson offices worldwide as well as all Northrop & Johnson and Northrop & Johnson partner's events.

A true and correct copy of what appeared on my screen is attached hereto as part of Exhibit 29.

Northrop & Johnson's website indicates that it has offices in Fort Lauderdale, Florida, Los Angeles, California, Newport Beach, California, San Diego, California, New York, New York and Newport, Rhode Island.

On January 26, 2021, I selected the Fall/Winter 2016 issue of *Navigator* that took me to the website

https://issuu.com/northropjohnson/docs/navigator\_issue\_5?fr=sOTAyMjEwMDI4NA. I printed pages 82-85 and the LUXURY INDEX from the online version of this issue, a true and correct copy of which is attached hereto as part of Exhibit 30. The same text and images that appeared on pages 83-84 and in the LUXURY INDEX of the print version of this magazine (quoted above), also appeared in the online version.

When I clicked on the link <a href="www.cohiba.com">www.cohiba.com</a> in the LUXURY INDEX, the website for General Cigar's COHIBA cigars appeared on my screen. I took a screen shot of what appeared on my screen, a true and correct copy of which is attached hereto as Exhibit 31.

24. On January 28, 2021, I went to the webpage for "Cohiba Behike" in Cigars International's section titled "Cigars 101" and located at <a href="https://www.cigarsinternational.com/cigar-101/cohiba-behike/2021882/">https://www.cigarsinternational.com/cigar-101/cohiba-behike/2021882/</a> and took screen shots and printed to PDF and downloaded what appeared on my screen, a true and correct copy of which is attached hereto as Exhibit 32. This webpage states, *inter alia*:

If you're a cigar connoisseur like me, you know that Gurkha is reputable as the 'Rolls Royce' of cigars, and Cohiba does one better with Cohiba Behike as the Bentley of the brand. This prestigious cigar is an exclusive produced in extremely limited quantities. Gaining outstanding ratings, Cohiba Behike is one of the most sought-after cigars in the world!

This webpage shows a picture at the top of a magnifying glass over General Cigar's COHIBA cigars with the description "Cigar Counterfeits" and then describes how to identify a

fake Cuban COHIBA Behike cigar. It states "[a]s your trusted cigar supplier, we would never want you to lose out on your wallet and the real deal. So we've got your back and have the expert tips to know how to spot a fake Behike" and goes on to describe the "famous Cohiba" describing the Cuban COHIBA design.

# IV. <u>Instances of U.S. Consumers Demonstrating that They Do Not Know Whether It</u> <u>Is Legal or Illegal to Purchase Cuban Cigars in the United States</u>

- 25. In addition to the instances of actual confusion noted above, my searches showed numerous instances of U.S. consumers demonstrating a lack of knowledge about whether it is legal or illegal to purchase Cuban cigars in the United States.
  - A. Semrush, an Online Data Provider, Indicates There Are Frequent Searches on the Internet in the United States to Try to Find Out Whether It Is Legal or Illegal to Purchase Cuban Cigars in the United States
- 26. Semrush, an online data provider, reports that, on average, the following phrases were searched on search engines in the United States the indicated number of times, as described more fully below in this Paragraph 26:

Search Term	Number of Times <i>Per Month</i> This Search Was Conducted in the United States Over the Last 12 Months
"Are Cuban cigars legal in the US"	880
"Cuban cigars legal in US"	480
"Are Cuban cigars illegal in the US"	210
"are Cuban cigars sold in the US"	50
"are cuban cigars legal in the united	20
states now"	
"cuban cigars legal in us now"	20

I describe below in subparagraphs (a) and (b) where I located the information.

a. On January 28, 2021, I went to the website

https://www.semrush.com/dashboard/. Under the "Keyword Research" on the left-hand side, I selected "Keyword Overview." In the screen that appeared on my computer (the "Keyword

Overview Page"), I typed in "Are Cuban cigars legal in the US" in the search bar next to "Keyword Overview" at the top of the screen and hit the "Search" button. I printed and downloaded to PDF what appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 33. The results show that the "Volume" for this search query is 880 in the United States. I then placed my mouse over the question mark next to the heading labelled "Volume" and a window popped up explaining that "Volume" is "The average number of monthly searches for the analyzed keyword over the last 12 months." I took a photograph of what appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 33. I then went to the webpage https://www.semrush.com/kb/683-what-is-searchvolume-in-semrush printed and downloaded to PDF what appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 33. This webpage explains that "Search volume is the average number of times a specific search query is entered on a search engine per month. The volume in the main SEMrush database represents the number of searches using national level data. Therefore, volume can change when you change the regional database you're viewing (US, Canada, UK, etc)."

- b. On the Keyword Overview Page, typed in the other phrases identified in the chart above in the search bar next to "Keyword Overview" and printed and downloaded to PDF what appeared on my screen when I searched for these other terms, true and correct copies of which are attached hereto as part of Exhibit 33.
- c. Semrush's website states that it is "a trusted data provider whose data on search volume, correlation, website traffic and digital trends is used by the biggest media outlets around the world" and that it is "regularly featured in" Bloomberg, Reuters, The Washington

Post, Daily Mail and the Herald Sun. Attached hereto as part of Exhibit 33 is a true and correct copy of Semrush's Trusted Data Provider webpage.

- B. <u>General Cigar Recognizes that U.S. Consumers Do Not Know Whether It Is Legal or</u> <u>Illegal to Purchase Cuban Cigars in the United States</u>
- 27. On January 15 and 29, 2021, I went to the "Cigar Frequently Asked Questions" webpage of the Cigar World website which is operated by General Cigar (see below) and located at <a href="https://www.cigarworld.com/education/cigar-faqs/">https://www.cigarworld.com/education/cigar-faqs/</a>. It indicates that it was "posted" to the Cigar World website "13 months ago" or in or around December 2019.

There are nine (9) Frequently Asked Questions on this page. One of them is:

Q: Are Cuban cigars legal in the United States?

A: No, due to the Cuban Revolution in 1959 and subsequent embargos, Cuban cigars are not allowed to be sold in the U.S. However travelers can bring back Cuban Cigars for personal consumption with certain limitations.

The other Frequently Asked Questions included on this page, include: "How do I smoke a cigar?"; "How do I cut a cigar?"; "How do I light a cigar?"; and "Are you supposed to inhale cigars?"

The Terms of Use of Cigar World website (<a href="https://www.cigarworld.com/terms-of-participation/">https://www.cigarworld.com/terms-of-participation/</a>) indicates that General Cigar operates this website. The homepage for the Cigar World website states that it is "the ultimate authority for all things cigar." I printed and downloaded to PDF what appeared on my screen when I went to Cigar World's "Cigar Frequently Asked Questions" and its Terms of Use webpages as well as its homepage, true and correct copies of which are attached hereto as Exhibit 34.

C. <u>There Are Numerous U.S. Consumers on Reddit Asking Whether It Is Legal Or Illegal to Purchase Cuban Cigars in the United States</u>

28. On January 26, 2021, I went to the Reddit post titled "Now that the new Cuba travel and commerce rules start tomorrow, does this mean Cuban cigars are no longer illegal?" posted on January 15, 2015 to the Reddit "Ask Reddit" community by a user with the account name "coorlight3" and located at

https://www.reddit.com/r/AskReddit/comments/2skj1k/now\_that\_the\_new\_cuba\_travel\_and\_commerce\_rules/ and took screen shots and printed to PDF and downloaded what appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 35.

In that post, "coorlight3" asks:

Now that the new Cuba travel and commerce rules start tomorrow, does this mean Cuban cigars are no longer illegal?

The first responder states:

Yes. You can't import them for sale, but you can bring a limited number back with you. I don't know what that number is.

The original poster ("coorlight3") than responds:

So in other words, you cannot get in trouble for having Cuban cigars, but we wont be finding them at cigar/smoke shops?

The first responder replies:

At least for now.

Other posts by "coorlight3" indicate that this person is located in the United States.

There were numerous posts referencing the United States or U.S.-related issues, such as posts titled "What did NBC's Brian Williams do to cause a controversy?", "Do you think Jesse Ventura is a Democrat?", "Do you like Senator Harry Reid?", "Why would Obama want to create a second death tax?" and "Does Obama really know shit about sports or does he get his writers to tell him what to say?" Attached hereto as part of Exhibit 35 is a true and correct copy of a list of Reddit posts by "coorlight3."

29. On January 26, 2021, I went to the Reddit post titled "Is it now legal to buy Cuban cigars in the US?" posted on June 27, 2015 to the Reddit "Ask Reddit" community by a user with the account name "Evanescent\_contrail" and located at <a href="https://www.reddit.com/r/AskReddit/comments/3bas6m/is\_it\_now\_legal\_to\_buy\_cuban\_cigars\_it\_n\_the\_us/">https://www.reddit.com/r/AskReddit/comments/3bas6m/is\_it\_now\_legal\_to\_buy\_cuban\_cigars\_it\_n\_the\_us/</a> and took screen shots and printed to PDF and downloaded what appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 36.

In that post, "Evanescent contrail" asks:

### Is it now legal to buy Cuban cigars in the US?

One of the persons responding states:

## Google says 'yes'

Other posts by "Evanescent\_contrail" indicate that this person is located in the United States. For example, in approximately January 2018 this user posted "Is this an Osprey? Northeast USA, taken 10 minutes ago. There were three, circling." Another post by the same user states "Snagged this little guy in Upstate NY last week" and shows an image of a bird. Attached hereto as part of Exhibit 36 are true and correct copies of these Reddit posts.

30. On January 26, 2021, I went to the Reddit post titled "What's the best way to order (if possible) Cuban cigars in the US, now that they will be legal, after Monday?" posted on October 16, 2016 to the Reddit "Ask Reddit" community by a user with the account name "Mypurplejacket" and located at

https://www.reddit.com/r/AskReddit/comments/57pw1m/whats\_the\_best\_way\_to\_order\_if\_possi\_ble\_cuban/ and printed and downloaded to PDF what appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 37.

In that post, "Mypurplejacket" asks:

What's the best way to order (if possible) Cuban cigars in the US, now that they will be legal, after Monday?

One person responds:

Sorry, not legal for sale, just personal use

A third person then asks:

How do you obtain them if nobody can sell them?

Other posts by "Mypurplejacket" indicate that this person is located in the United States. For example, one post states "Looking for a Rideshare to Sheridan. Hello, I'm flying in from Alaska to Billings on Saturday Aug. 3rd and need a ride to Sheridan, WY. I was wondering if there might be anyone taking a trip to Sheridan that I could maybe catch a ride with." Another post by "Mypurplejacket" provides another Reddit user with suggestions on things to do in Anchorage. Attached hereto as part of Exhibit 37 are true and correct copies of these Reddit posts.

31. On January 26, 2021, I went to the Reddit post titled "Can I buy Cuban Cigars" Online If I Live in North America?" posted on June 1, 2020 to the Reddit "cigars" community by a user with the account name "TheRealRosey" and located at <a href="https://www.reddit.com/r/cigars/comments/gum4qi/can i buy cuban cigars online if i live in north/">https://www.reddit.com/r/cigars/comments/gum4qi/can i buy cuban cigars online if i live in north/</a> and took screen shots and printed to PDF and downloaded what appeared on my screen, a true and correct copy of which is attached hereto as Exhibit 38.

In that post, "TheRealRosey" asks:

Can I buy Cuban Cigars Online If I Live in North America?

I know the laws have changed and am looking to get my hands on some Cuban cigars.

First, is it legal to buy them online if I live in the U.S.

Second, does anyone have a legitimate website I can buy with confidence from?

Thanks for any advice.

32. On January 26, 2021, I went to the Reddit post titled "Can I buy Cubans online legally?" posted on December 11, 2019 to the Reddit "cigars" community by a user with the account name "jetset459" and located at

https://www.reddit.com/r/cigars/comments/e99n5e/can\_i\_buy\_cubans\_online\_legally/ and took screen shots and printed to PDF and downloaded what appeared on my screen, a true and correct copy of which is attached hereto as Exhibit 39.

In that post, "jetset459" asks:

Can I buy Cubans online legally?

Our B&Ms in California aren't legally supposed to sell Cubans. Although I know they all have that back room supply of the goodie goodie for the privileged, I am not even remotely that cool... yet!

I want to be like you guys and get my hands on Cubans. They are expensive and by the looks of it, imposters are everywhere and fakes are ubiquitous.

Can I order authentic Cuban cigars online and have them legally shipped to California?

I have seen many references to iHavana. Which is the best and most reliable retail website from which I can buy Cubans?

As shown above "B&M" stands for "brick and mortar" retail stores. *See* Paragraph 8 above.

33. On January 26, 2021, I went to the Reddit post titled "Are Cuban cigars now legal in the US? I've heard mixed responses" posted on February 3, 2020 to the Reddit "cigars" community by a user with the account name "aronkovacs" and located at https://www.reddit.com/r/cigars/comments/ey3gk9/are cuban cigars now legal in the us ive

<u>heard/</u> and took screen shots and printed to PDF and downloaded what appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 40.

In that post, "aronkovacs" asks:

Are Cuban cigars now legal in the US? I've heard mixed responses.

He later states:

I've heard about lifting the ban but I wasn't sure how to get them. My old T-store worker said there was a trademarking conflict with retailers but it didn't make sense the way he explained.

Other posts by "aronkovacs" indicate that this person is located in the United States. For example, one post from approximately November 2020 states "Good evening. I filed taxes for 2019. I moved across states, I had w-2s and 1099. Everything is calculated out by HR block, they give me a 1099 voucher, I sent the check. Yesterday IRS mails me a letter, their due amount shows double than HR block, I still owe. How does this happen and what should I do?" Another post states "Crappy photo, found in a pool in Las Vegas NV. It was brown and hairy. What could it be?" and shows a photograph of an insect in a pool. Attached hereto as part of Exhibit 40 are true and correct copies of these Reddit posts.

34. On January 26, 2021, I went to the Reddit post titled "Cuban cigars illegal?" posted on March 17, 2018 to the Reddit "cigars" community by a user with the account name "NatesNewLife" and located at

https://www.reddit.com/r/cigars/comments/858pwc/cuban\_cigars\_illegal/ and took screen shots, printed to PDF and downloaded what appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 41.

In that post, "NatesNewLife" asks:

Cuban cigars illegal?

Have been reading that certain Cuban cigars are illegal. Are they all illegal or only some of them? Thanks.

One person responds:

It's not as clear cut as being legal or illegal ... They were and then they weren't and now they are again. This is speaking of the US, of course.

Other posts by "NatesNewLife" indicate that this person is located in the United States. For example, one post from approximately May 2020 states "Are there any vape shops open? I live in a northern suburb of saint Paul and everything around here is closed." Several people respond with suggestions in the Minneapolis and St. Paul, Minnesota area to which "NatesNewLife" responds "Thanks everyone!" Another post states "Went to L.A just edited one of my 100's of car photos." Attached hereto as part of Exhibit 41 are true and correct copies of these Reddit posts.

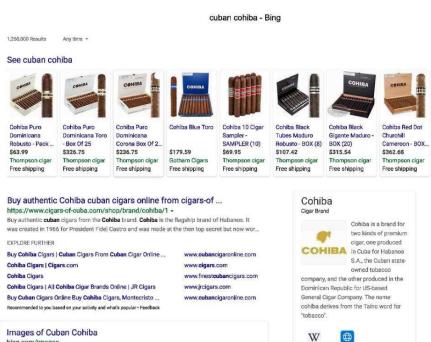
# V. <u>Leading Search Engines Direct U.S. Consumers Searching for the Cuban</u> <u>COHIBA Cigar to General Cigar's COHIBA Cigars</u>

- A. The Bing Search Engine
  - i. Search For "Cuban Cohiba"
- 35. On January 20 and 23, 2021, I double-clicked on the icon for the Bing web browser which came pre-installed on my computer. In the search engine window that opened by default on my computer (<a href="www.bing.com">www.bing.com</a>), I typed in "cuban cohiba" and the results for this search appeared on my screen (the "Bing Cuban Cohiba Search Results"). I took screen shots and downloaded and printed to PDF the Bing Cuban Cohiba Search Results, a true and correct copy of which is attached hereto as part of Exhibit 42. The first results appearing on my screen were a series of eighteen (18) images and links under the heading "See cuban cohiba." Each of these images was of a General Cigar COHIBA cigar. Each of these links directed me to a website that offered General Cigar's COHIBA cigars for sale. On January 23, 2021, I clicked on each of

these links (except for the last one showing an image of a General Cigar COHIBA Red Dot Pequenos Cameroon for \$14.99 at Thompson cigar) and took a screen shot of what appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 42.

I copy below what first appeared on my screen when I searched for "cuban cohiba" on Bing's search engine, <a href="https://www.bing.com">www.bing.com</a>, on January 23, 2021:

1/23/2021



Wikipedia Official site

Data from: Wikipedia Suggest an edit

Ads (

Cohiba 7

Tubos Can

- BOX (10)

Free shipping

\$138.72





Buy Cohiba Cigars | Cuban Cigars From Cuban Cigar Online ... https://www.cubancigaronline.com/product-category/cuban-cigars/cohiba -Cuban Cigar Cohiba. Cohiba is the flagship brands of Habanos. It was created in 1966 for President Fidel Castro himself and was made on the then high secret however now world well-..



Cohiba Cigars - Finestcubancigars

https://www.finestcubancigars.com/brands/all-cigar-brands/cohiba.html -Cohiba, Fidel Castros preferred brand, was created in 1956 as Havanas premier brand for diplomatic purposes. Since 1982, it was offered to the public in three sizes: Lanceros, Coronas...

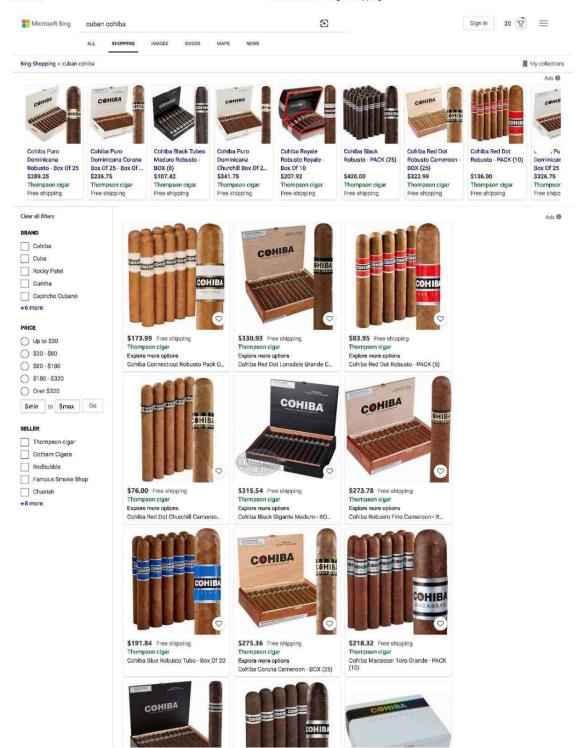
https://www.bing.com/search?q=cuban+cohiba&form=QBLH&sp=-1&pq=cuban+cohiba&sc=8-12&qs=n&sk=&cvid=1716DF27B2554A15AA51E77D1A... 1/3

I then returned to the Bing Cuban Cohiba Search Results and clicked on the link to "See cuban cohiba" at the top of my screen. It took me to Bing's "SHOPPING" results for the search term "cuban cohiba" (the "SHOPPING" section is identified in the top column heading) (hereinafter the "Bing Cuban Cohiba Shopping Results"). The top of the first page of the Bing Cuban Cohiba Shopping Results showed me fifteen (15) different COHIBA cigars being offered for sale via the internet with direct links to same; all of these offerings were for General Cigar's COHIBA cigars. I took screen shots and printed to PDF what appeared on my screen, true and correct copies of which are attached hereto as part of Exhibit 42. I also clicked on each of these links and took a screen shot and printed to PDF what appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 42. The bottom portion of the Bing Cuban Cohiba Shopping Results showed me still further images of COHIBA cigars being offered for sale via the internet with direct links to same; all of these offerings were for General Cigar's COHIBA cigars.

I copy below what first appeared on my screen when I went to the Bing Cuban Cohiba Shopping Results:



#### cuban cohiba - Bing - Shopping



https://www.bing.com/shop?q=cuban+cohiba&FORM=SHOPTB

1/4

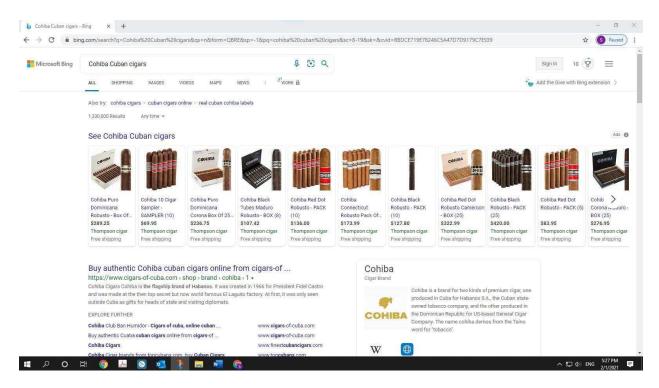
On January 20, 2021, when I clicked on the entry for "Cohiba Black Robusto – SINGLE" in the Bing Cuban Cohiba Shopping Results, a page from Thompson Cigar offering the General Cigar COHIBA cigar appeared on my screen. I printed and downloaded to PDF what appeared on my screen, a true and copy of which is attached hereto as part of Exhibit 43. I purchased that cigar. A true and correct copy of my receipt and photograph of the cigar that was delivered to me is attached hereto as Exhibit 43.

I then went back to the Bing Cuban Cohiba Search Results and clicked on the link for "Explore Cuban Cohiba." It took me to the Bing Cuban Cohiba Shopping Results that I describe above.

### ii. Search For "Cohiba Cuban cigars"

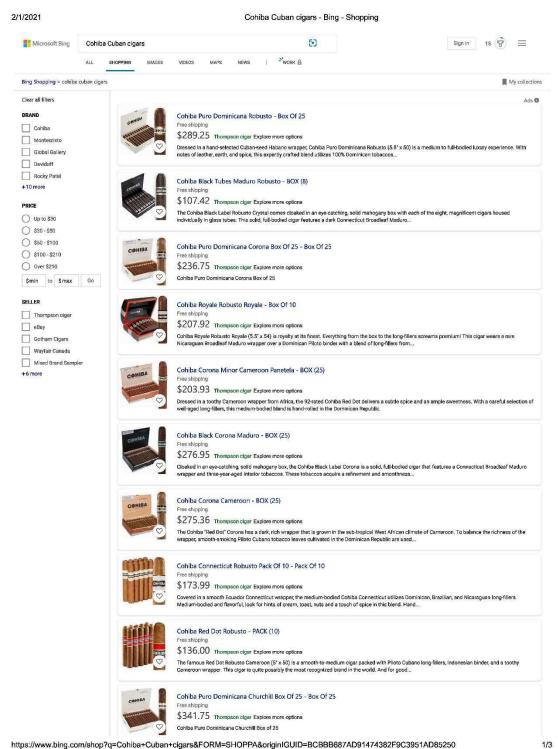
36. On February 1, 2021, I double-clicked on the icon for the Bing web browser which came pre-installed on my computer. In the search engine window that opened by default on my computer (<a href="www.bing.com">www.bing.com</a>), I typed in "Cohiba Cuban cigars" and the results for this search appeared on my screen (the "Bing Cohiba Cuban Cigars Search Results"). I took screen shots and downloaded and printed to PDF the Bing Cohiba Cuban Cigars Search Results, a true and correct copy of which is attached hereto as part of Exhibit 44. The first results appearing on my screen were a series of eighteen (18) images and links under the heading "See Cohiba Cuban cigars." All of these images were of a General Cigar COHIBA cigar. All of these links directed me to a website that offered for sale General Cigar's COHIBA cigars. I clicked on each of these links and took a screen shot of what appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 44.

I copy below what first appeared on my screen when I searched for "Cohiba Cuban cigars" on Bing's search engine, <a href="www.bing.com">www.bing.com</a>:



I then returned to the Bing Cohiba Cuban Cigars Search Results and clicked on the link to "See Cohiba Cuban cigars" at the top of my screen. It took me to Bing's "SHOPPING" results for the search term "Cohiba Cuban cigars" (the "SHOPPING" section is identified in the top column heading) (hereinafter the "Bing Cohiba Cuban Cigars Shopping Results"). The first page of the Bing Cohiba Cuban Cigars Shopping Results showed me twenty (20) items. The first seventeen (17) of these items were images of different COHIBA cigars being offered for sale via the internet with direct links to same; all of these offerings were for General Cigar's COHIBA cigars. The last three (3) items consisted of two (2) images of different COHIBA cigars being offered for sale via the internet with direct links to same and one (1) image of artwork of Cuban cigars. I took screen shots and printed to PDF what appeared on my screen, true and correct copies of which are attached hereto as part of Exhibit 44. I also clicked on each of these links and took a screen shot and printed to PDF what appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 44.

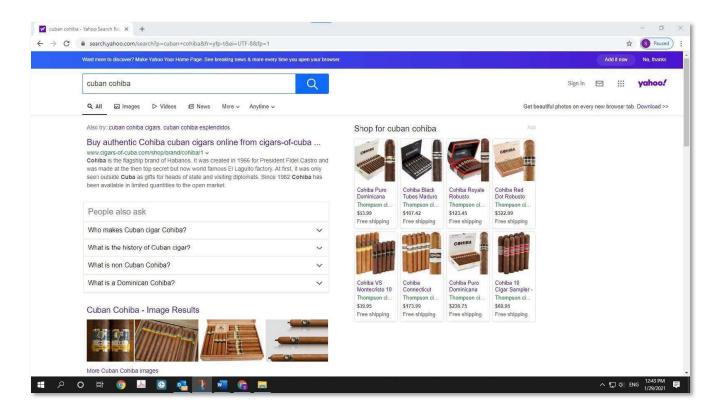
I copy below what first appeared on my screen when I went to the Bing Cohiba Cuban Cigars Shopping Results:



I then went back to the Bing Cohiba Cuban Cigars Search Results and clicked on the link for "Explore cohiba cuban cigars." It took me to the Bing Cohiba Cuban Cigars Shopping Results.

- B. The Yahoo Search Engine
  - i. Search For "Cuban Cohiba"
- 37. On January 29, 2021, I entered the Yahoo search engine located at <a href="https://www.yahoo.com">www.yahoo.com</a> and searched for the term "Cuban Cohiba." The results for this search appeared on my screen (the "Yahoo Cuban Cohiba Search Results"). I took a series of screen shots of the first page of search results and printed to PDF the Yahoo Cuban Cohiba Search Results, a true and correct copy of which is attached hereto as part of Exhibit 45. On the top right hand side of the first page of results were eight (8) images and links under the heading "Shop for Cuban Cohiba." Each of these images was of a General Cigar COHIBA cigar. Each of these links directed me to a website that offered for sale General Cigar's COHIBA cigars. I clicked on each of these links and took a screen shot of what appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 45.

I copy below what first appeared on my screen when I searched for "Cuban Cohiba" on Yahoo's search engine, <a href="https://www.yahoo.com">www.yahoo.com</a>:



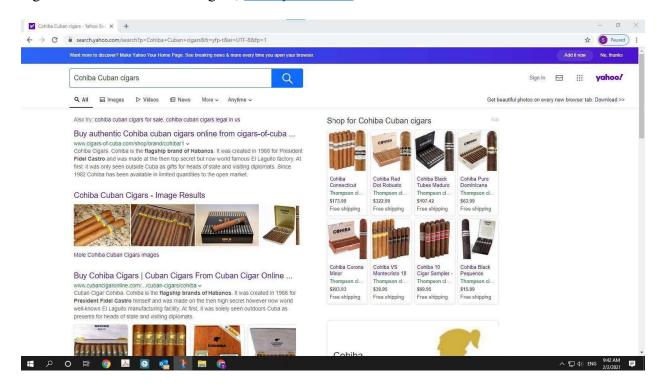
On the Yahoo Cuban Cohiba Search Results, I clicked on the link for "Cohiba Puro Dominicana" and was directed to the webpage of Thompson Cigar that was offering for sale General Cigar's COHIBA Puro Dominicana cigar. I purchased this cigar from the Thompson Cigar website. A true and correct copy of my order and the COHIBA cigars that arrived are attached hereto as part of Exhibit 45.

### ii. Search For "Cohiba Cuban cigars"

38. On February 2, 2021, I entered yahoo.com into my google browser and conducted a search. In the search engine window that opened in that search (<a href="www.yahoo.com">www.yahoo.com</a>), I typed in "Cohiba Cuban cigars" and the results for this search appeared on my screen (the "Yahoo Cohiba Cuban Cigars Search Results"). I took a series of screen shots of the first page of search results and printed to PDF the Yahoo Cohiba Cuban Cigars Search Results, a true and correct copy of which is attached hereto as part of Exhibit 46. On the top right hand side of the first page of the results were eight (8) images and links under the heading "Shop for Cohiba Cuban cigars." Each

of these images was of a General Cigar COHIBA cigar. Each of these links directed me to a website that offered for sale General Cigar's COHIBA cigars. I clicked on each of these links and took a screen shot of what appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 46.

I copy below what first appeared on my screen when I searched for "Cohiba Cuban cigars" on Yahoo's search engine, <a href="www.yahoo.com">www.yahoo.com</a>:



- C. <u>Semrush and Statista, Online Data Providers, Indicate that Persons Located in the</u>
  <u>United States Frequently Search For the Terms "Cohiba Cuban Cigars" and "Cuban Cohiba" on Bing and Yahoo</u>
- 39. As described more fully below in this Paragraph 39, Semrush and Statista, online data providers, indicate that persons located in the United States frequently search for the terms "Cohiba Cuban cigars" and "Cuban Cohiba" on Bing and Yahoo.

Semrush indicates that, over the last 12 months, persons in the United States searched for the term "Cohiba Cuban cigars" 6,600 times *per month* and searched for the term "Cuban

Cohiba" 1,600 times *per month*; and Statista and Comscore indicate that Bing and Yahoo are the second and third most popular search engines in the United States.

a. On February 1, 2021, I went to the website

<a href="https://www.semrush.com/dashboard/">https://www.semrush.com/dashboard/</a>. Under the "Keyword Research" on the left-hand side, I selected "Keyword Overview." In the screen that appeared on my computer (the "Keyword Overview Page"), I typed in "Cohiba Cuban cigars" in the search bar next to "Keyword Overview" at the top of the screen and hit the "Search" button. I printed and downloaded to PDF what appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 47. The results show that the "Volume" for this search query is 6,600 in the United States.

I then placed my mouse over the question mark next to the heading labelled "Volume" and a window popped up explaining that "Volume" is "The average number of monthly searches for the analyzed keyword over the last 12 months." *See* Exhibit 33 above. The webpage <a href="https://www.semrush.com/kb/683-what-is-search-volume-in-semrush">https://www.semrush.com/kb/683-what-is-search-volume-in-semrush</a>, a true and correct copy of which is attached hereto as part of Exhibit 47, explains that "Search volume is the average number of times a specific search query is entered on a search engine per month. The volume in the main SEMrush database represents the number of searches using national level data. Therefore, volume can change when you change the regional database you're viewing (US, Canada, UK, etc)." (Emphasis original.)

b. I then went back to the Keyword Overview Page, typed in "Cuban Cohiba" in the search bar next to "Keyword Overview" at the top of the screen and hit the "Search" button. I printed and downloaded to PDF what appeared on my screen, a true and

correct copy of which is attached hereto as part of Exhibit 47. The results show that the "Volume" for this search query is 1,600 in the United States.

c. On January 26, 2021, I went to the Statista website located at <a href="https://seattleorganicseo.com/comscore-search-rankings-oct-2020-bing-creeps-up-the-search-marketing-share-ranks/">www.statista.com</a>. While on that website, I searched for "Share of search queries handled by leading U.S. search engine providers," clicked on the link to "Market share of search engines in the United States 2008-2020" that appeared on my screen and downloaded to PDF the chart that appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 48. This chart shows that Microsoft Sites, Bing, account for approximately twenty to twenty-five percent (20-25%) and Verizon Media (consisting of Yahoo and Oath) account for approximately ten to twelve and a half percent (10-12.5%) of all search queries in the United State from 2015 to 2020. See also Seattle Organic SEO, "Comscore Search Rankings October 2020 – Bing Creeps Up the Search Marketing Share Ranks" available at <a href="https://seattleorganicseo.com/comscore-search-rankings-oct-2020-bing-creeps-up-the-search-marketing-share-ranks/">https://seattleorganicseo.com/comscore-search-rankings-oct-2020-bing-creeps-up-the-search-marketing-share-ranks/</a> (dated Dec. 18, 2020), a true and correct copy of which is attached hereto as part of Exhibit 48.

I then searched for "Search engine usage by brand in the U.S." and clicked on the link to "Search engine usage by brand in the U.S. 2020" that appeared on my screen and downloaded to PDF the chart that appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 48. This chart is titled "Search engine usage by brand in the U.S. 2020" and was published on November 19, 2020. It shows the results of a survey conducted of 4,184 respondents in the United States between February and July 2020. The chart indicates that thirty-one percent (31%) of the respondents used Yahoo and twenty-seven percent (27%) of the respondents used Bing in the past 4 weeks.

The Statista website states on its homepage that it is "Global No.1 Business Data Platform." On its website titled "Why trust Statista" (<a href="https://www.statista.com/aboutus/trust">https://www.statista.com/aboutus/trust</a>), it states "For 13 years now, Statista has been the market leader in the provision of reliable business data" and shows that its statistics were cited in over 125,000 news media articles in 2019 and that "[m]ore than 2,000 universities rely on Statista." Attached hereto as part of Exhibit 48 is a true and correct copy of what appeared on my screen when I went to the Statista homepage and its webpage <a href="https://www.statista.com/aboutus/trust">https://www.statista.com/aboutus/trust</a>.

d. On January 28, 2021, I went to the webpage titled "Comscore Releases February 2016 U.S. Desktop Search Engine Rankings" and located at <a href="https://www.comscore.com/Insights/Rankings/comScore-Releases-February-2016-US-Desktop-Search-Engine-Rankings">https://www.comscore.com/Insights/Rankings/comScore-Releases-February-2016-US-Desktop-Search-Engine-Rankings</a>. I printed and downloaded to PDF what appeared on my screen, a true and correct copy of which is attached hereto as Exhibit 49. This is a press release from Comscore, Inc. that indicates that it "released its monthly Comscore qSearch™ analysis of the U.S. desktop search marketplace." This analysis showed that Microsoft Sites accounted for twenty-one point four percent (21.4%) and Yahoo Sites accounted for twelve point two percent (12.2%) of the Explicit Core Search Share in the United States and that in February 2016, "31.9 percent of searches were powered by Bing." This press release states that Comscore, Inc. "is a leading cross-platform measurement company that precisely measures audiences, brands and consumer behavior everywhere."

## VI. General Cigar's COHIBA Cigars Are Sold at Convenience Stores

40. I attach hereto as Exhibits 50, 51 and 52 evidence that General Cigar's COHIBA cigars are sold at convenience stores in different locations in the United States.

a. On January 29, 2021, I went to the website located at

www.plazaminimart.com and printed and downloaded to PDF what appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 50. This website shows that the Plaza Mini-Mart is a convenience store located at 5022 W. Lawrence Avenue in Chicago, Illinois that offers for sale, among other products, beer, bread, candy, chips, cigars, lottery tickets and soda. I paste below a photograph taken by Dean J. Gluth, a Licensed Private Detective, on January 18, 2021, of the outside of the Plaza Mini-Mart:



I clicked on "Fine Cigar" under the "Category" heading on this website and downloaded to PDF what appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 50. It showed the following image:



On January 18, 2021, Dean J. Gluth, a Licensed Private Detective, went to the Plaza Mini-Mart at 5022 W. Lawrence Avenue in Chicago, Illinois and asked the clerk at the store if

they sold Cohiba cigars. They showed him a box of Cohiba Blue cigars (an image of which I paste below), which he purchased.



See Declaration of Dean J. Gluth, dated February 3, 2021, attached hereto as part of Exhibit 50.

b. On January 26 and February 2, 2021, I went to the Facebook page for "Central Mart" located at <a href="https://www.facebook.com/Central-Mart-196126724313194/">https://www.facebook.com/Central-Mart-196126724313194/</a> and printed and downloaded to PDF what appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 51. I clicked on "See All" under the "Photos" section and printed and downloaded to PDF what appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 51. This Facebook page indicates that the Central Mart is a convenience store and tobacco outlet located in York, Pennsylvania that sells "groceries, tobacco products, soda, snacks, coffee, ice-cream etc"

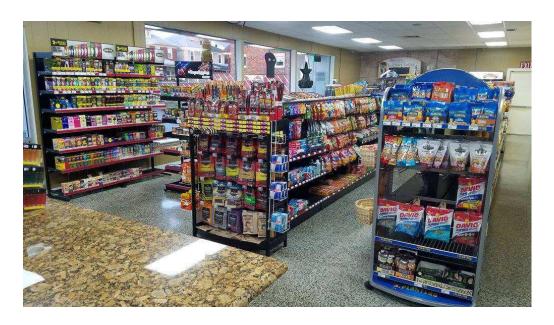
Below is an image appearing on a post dated April 15, 2018 by Central Mart to its

Facebook account together with the text "We now carry premium Cigars! Cohiba and

Montecristo Crystal Selección - Churchill en Tubo....in stock now... A true and correct copy of this post is attached hereto as part of Exhibit 51.



I paste below a true and correct copy of the image at the top of the Central Mart's Facebook account:



c. On January 26, 2021, I went to the website located at

https://www.larrysdrivethru.com/ and printed and downloaded to PDF what appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 52. I clicked on "About Us" and printed and downloaded to PDF what appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 52. I clicked on "Fine Cigars" and printed and

downloaded to PDF what appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 52. I clicked on "Monthly Ad" and printed and downloaded to PDF what appeared on my screen, a true and correct copy of which is attached hereto as part of Exhibit 52.

This website states that the store, located in Poland, Ohio, sells beer, wine, "typical convenience store foods" as well as cigars, including the General Cigar COHIBA cigar, both in a "Drive Thru" feature and a "Mini Mart." It also shows that it sells groceries such as baking goods, cereals, coffee, canned goods, snacks, pet supplies, household items.

Images posted on the Larry's Drive Thru website include the following:







# VII. General Cigar's Premium COHIBA Cigars Are Frequently Sold on CigarBid Individually For Five Dollars (\$5) Or Less and In Packs of Five (5) or Ten (10) Cigars For Less Than Twenty Dollars (\$20)

- 41. Between January 9 and 21, 2021, I went to the CigarBid online cigar auction website (<a href="www.cigarbid.com">www.cigarbid.com</a>), bid on, won and purchased the following General Cigar COHIBA cigars at the prices identified in the chart below. In sum, I paid between:
  - \$17 and \$19.50 for a pack of ten (10) General Cigar Red Dot COHIBA cigars or between \$1.70 and \$1.95 per cigar;
  - \$12 and \$14 for a pack of five (5) General Cigar Red Dot, Nicaragua and Connecticut COHIBA cigars or between \$2.40 and \$2.80 per cigar; and
  - \$2 and \$5 for individual General Cigar Red Dot, Black, Blue and Puro Dominicana COHIBA cigars.

The prices I paid were a small fraction of the Manufacturer's Suggested Retail Price (MSRP), generally just 15% of the MSRP and in one instance less than 9% of the MSRP, as shown in the chart below.

I was not the only person to win these auctions, as shown in the chart below. Each auction included multiple units of the General Cigar COHIBA cigars for sale. Over one hundred and fifty (150) other people purchased these same General Cigar COHIBA cigars for the same or very similar prices as shown in the chart below.

After January 21, 2021, I went to <a href="www.cigarbid.com">www.cigarbid.com</a> and saw that similar auctions for General Cigar's COHIBA cigars for similar prices occurred and are occurring after January 21, 2021.

The Cigar Bid website only sells to persons located in the United States. I went to <a href="https://www.cigarbid.com">www.cigarbid.com</a>'s Frequently Asked Questions section, a true and correct copy of which is attached here as Exhibit 53, and, in response to the question of whether the website ships internationally, it states that this website "currently ship to the US and APO [Army Post Office] addresses only. We do not handle international shipping at this time." The <a href="https://www.cigarbid.com">www.cigarbid.com</a> website describes itself as "America's #1 Online Cigar Auction" website. See Exhibits 53-66.

I attach hereto as Exhibits 54 to 65 true and correct copies of <a href="www.cigarbid.com">www.cigarbid.com</a>'s listing for each of the auctions identified in the chart below as well as photographs I took of the cigars I received in the mail and the receipt for same.

Lot No.	Name of Cigar	Number of Cigars	Total Price I Paid	MSRP	Price I Paid Per Cigar	Exhibit No.	No. of Other People Who Won
3793932	Cohiba Red Dot Robusto	10	\$17.00	\$204.90	\$1.70	54	15

Lot No.	Name of Cigar	Number of Cigars	Total Price I Paid	MSRP	Price I Paid Per Cigar	Exhibit No.	No. of Other People Who Won
3795730	Cohiba Red Dot Robusto	10	\$19.50	\$204.90	\$1.95	55	10
3801302	Cohiba Nicaragua N5x50 (Robusto) (5.0"x50)	5	\$12.00	\$83.95	\$2.40	56	20
3793144	Cohiba Red Dot Robusto	5	\$13.00	\$102.45	\$2.60	57	42
3795255	Cohiba Connecticut Robusto	5	\$14.00	\$103.45	\$2.80	58	23
3802700	Cohiba Puro Dominicana Corona	1	\$2.00	\$15.99	\$2.00	59	6
3802496	Cohiba Red Dot Churchill	1	\$3.00	\$22.99	\$3.00	60	6
3802768	Cohiba Puro Dominicana Churchill	1	\$3.00	\$23.00	\$3.00	61	5
3802924	Cohiba Blue Robusto	1	\$3.00	\$10.99	\$3.00	62	20
3802610	Cohiba Black Robusto	1	\$4.00	\$21.29	\$4.00	63	4
3801380	Cohiba Puro Dominicana Churchill	1	\$5.00	\$23.00	\$5.00	64	1
3803050	Cohiba Puro Dominicana Robusto	1	\$3.00	\$19.49	\$3.00	65	4

a. The <a href="www.cigarbid.com">www.cigarbid.com</a> website has a webpage titled "Buy the most well-known Cohiba cigars at low prices here at CigarBid!" in which it describes the "Cohiba" cigars as

Symbolizing the good life, Cohiba cigars are the most well-known luxury cigars in the entire world. Known for extravagant taste and complex flavor, true cigar enthusiasts know Cohiba to be one of the best cigar brands around. Originally crafted in the streets of Havana, Cuba, these classic cigars are now manufactured in the Dominican Republic, and these premium handmade cigars are just as delicious and artistic from the beginning.

Cohiha stays on top of the industry trends, and even has a blend crafted by Jay-Z, Cohiba Comador that epitomizes the definition of top-shelf luxury. Cohiba Nicaragua is a full-bodied blend of finely aged tobacco leaves creating a bolder profile than Cohiba's other classic blends. But of course, the most popular Cohiba cigar has always been the original. With five years of research and study, Cohiba Red Dot is the perfect replica of the original Cuban Cohiba. It's 90+ rated countless times, and its undeniably creamy and smooth. You can shop all of Cohiba's fantastic blends here, at CigarBid, for the best prices available.

Attached hereto as Exhibit 66 is a true and correct copy of that webpage, located at <a href="https://www.cigarbid.com/shop/cohiba/2069169/?shop=Cigars">https://www.cigarbid.com/shop/cohiba/2069169/?shop=Cigars</a>.

b. After receiving the General Cigar COHIBA Black, Blue, Red Dot and Connecticut cigars, I reviewed these cigars to see if it said "Republica Dominicana" or "Dominican Republic" anywhere on the band. At first, I could not find where it said this on any of these cigars. After reviewing all parts of the bands very closely several times and in different lighting, I eventually saw that it said "Republica Dominicana" in silver lettering within the silver band above and beneath the word "COHIBA" on the COHIBA Black, Blue and Red Dot and Connecticut cigars.

I measured the lettering of the words "Republica Dominicana" on the COHIBA Black, Blue, Red Dot and Connecticut cigars; they measured approximately one thirty-second (1/32) of an inch. I felt the band of these cigars; the words "Republica Dominicana" did not feel embossed or raised to my touch.

I would not have seen that the COHIBA Black, Blue, Red Dot and Connecticut cigars stated "Republica Dominicana" on their bands had I not deliberately looked for these words.

I paste below the General Cigar COHIBA Red Dot cigar in Exhibit 60 (that I purchased via CigarBid) with an arrow indicating where it says "Republica Dominicana" in 1/32 of an inch lettering in silver against a silver background:



VIII. Similarity of the Lettering of the General Cigar and Cuban COHIBA Cigars

42. On January 29, 2021, I went to the webpages for General Cigar's COHIBA
Comador and Edición Diamante cigars on General Cigar's Cigar World website, located at
<a href="https://www.cigarworld.com/cigars/cohiba/comador/">https://www.cigarworld.com/cigars/cohiba/comador/</a> and
<a href="https://www.cigarworld.com/cigars/cohiba/edicion-diamante/">https://www.cigarworld.com/cigars/cohiba/edicion-diamante/</a> and printed and downloaded to
<a href="https://www.cigarworld.com/cigars/cohiba/edicion-diamante/">https://www.cigarworld.com/cigars/cohiba/edicion-diamante/</a> and printed an

43. Below I show the lettering of General Cigar's COHIBA and the Cuban COHIBA:

CUBAN COHIBA - Image from Appendix G to the Written Direct Testimony of Alan Siegel in Empresa Cubana del Tabaco v. Culbro Corp., 97 Civ. 8399 (S.D.N.Y.) (June 2, 2003)	COHIBA
GENERAL CIGAR COHIBA - Image from General Cigar's 1995 Trademark Registration at the USPTO (Registration No. 1,898,273). According to the evidence in that case, General Cigar's trademark counsel provided a photocopy of the word "COHIBA," taken from Petitioner's Cohiba box, to the Trademark Drawing Group in order to prepare the block letter drawing of COHIBA attached to the General Cigar's USPTO December 30, 1992 trademark application. 180 TTABVUE 177-181 (PX 890). General Cigar's Vice President Assistant General Counsel testified that the typeface of its registered COHIBA mark is "the same" as the typeface of the Cuban COHIBA mark. Federal Action Trial Transcript 1263:5-20 (Milstein).	COHIBA
GENERAL CIGAR COHIBA -Image from General Cigar's website "Cigar World," located https://www.cigarworld.com/cigars/cohiba/comador/ and https://www.cigarworld.com/cigars/cohiba/edicion-diamante/. See supra Paragraph 42, downloaded on January 29, 2021.	COHIBA
GENERAL CIGAR COHIBA - From Declaration of Steven Abbot, dated Sept. 29, 2020, General Cigar's Senior Brand Manager ("Abbot Declaration"), Para. 17, 287 TTABVUE 10 (image provided by Abbot of General Cigar's "long standing graphic COHIBA mark, used on all COHIBA subbrands"). This lettering is the same as the lettering in General Cigar's 1995 Trademark Registration (above)	COHIBA
GENERAL CIGAR COHIBA - Image from Appendix G to the Written Direct Testimony of Alan Siegel in <i>Empresa Cubana del Tabaco v. Culbro Corp.</i> , 97 Civ. 8399 (S.D.N.Y.) (June 2, 2003)	COHIBA
CUBAN COHIBA - From Abbot Declaration, Para. 43, 287 TTABVUE 27 (one of the images of the Cuban COHIBA cigar graphic presented by Abbot for his side-by-side comparison)	COHIBA
GENERAL CIGAR COHIBA - From Abbot Declaration, Exhibit P, 287 TTABVUE 191; Abbot identifies Exhibit P as "[r]epresentative examples of [General Cigar's] digital advertising for COHIBA and its sub-brands over the past 6 years"	COHIBA
GENERAL CIGAR COHIBA - From advertisement by General Cigar for its COHIBA Nicaragua cigar in <i>Cigar Aficionado</i> (published in November/December 2014) (Petitioner's NOR Exhibit 57, 171 TTABVUE 794)	COHIBA

**THIRD PARTY COHIBA** - Image that General Cigar asserted was a "counterfeit reproduction" by a third party that was likely to cause confusion with General Cigar's COHIBA mark in *General Cigar Co., Inc. v. Agopian*, Case No. 13-cv-0840, in the U.S. District Court for the Northern District of California, *see* Petitioner's NOR Ex. 26, 169 TTABVUE 493, 495

# COHIBA

**THIRD PARTY COHIBA** - Image that General Cigar asserted was a "counterfeit reproduction" by a third party that was likely to cause confusion with General Cigar's COHIBA mark in *General Cigar Co., Inc. v. Cohiba Caribbean's Finest, Inc.*, Case No. 06-cv-0575, in the U.S. District Court for the District of Nevada, *see* Petitioner's NOR Ex. 26, 169 TTABVUE 529, 532. General Cigar's Vice President of Field Sales, David Bullock, testified in the *Cohiba Caribbean's Finest* case that this display of the COHIBA work is a "virtually identical bold upper case font used by General Cigar." GENC0024295 (submitted as Exhibit 23 to the Deposition of Eugene Paul Richter, III, [Rule 30(b)(6)] Corporate Designee, taken on Nov. 21, 2017).

# COHIBA

THIRD PARTY COHIBA - Image used by a third party that General Cigar's Vice President of Field Sales, David Bullock, testified "is presented in the virtually identical bold black upper case font [as that] used by General Cigar in displaying its genuine COHIBA® trademark" in *General Cigar Co., Inc. v. Southern Smoke, L.L.C..*, Case No. 07-cv-0202, in the U.S. District Court for the Southern District of Georgia. GENC0024295 (submitted as Exhibit 23 to the Deposition of Eugene Paul Richter, III, [Rule 30(b)(6)] Corporate Designee, taken on Nov. 21, 2017). General Cigar asserted that this mark was likely to cause confusion with General Cigar's COHIBA mark in the *Southern Smoke* case. *See* Petitioner's NOR Ex. 30, 169 TTABVUE 619, 637, 643.

# COHIBA

44. I took each of the actions described in this declaration in the United States.

Executed on: February 12, 2021 Montclair, New Jersey

Susan Bailey

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Registration No. 1147309 For the mark COHIBA Date registered: February 17, 1981

**AND** 

In the matter of the Tradema For the mark COHIBA Date registered: June 6, 199	5		
EMPRESA CUBANA DI CUBATABACO,	EL TABACO, d.b.a.	: : :	
	Petitioner,	:	Cancellation No. 92025859
V.		:	
GENERAL CIGAR CO., IN CORP.	IC. and CULBRO	:	
	Respondents.	:	
		· ·-· X	

# SECOND DECLARATION OF SUSAN BAILEY EXHIBIT 1

Name of the Party Offering the Exhibit: Empresa Cubana del Tabaco d.b.a. Cubatabaco



# Cohiba & Montecristo Humidor Collection

**▼ 237 RATINGS** WRITE A REVIEW

Here's the deal: I've compiled 20 top-notch Churchills from the world's biggest and most high-end brands, packed them in a gorgeous glasstop humidor, and discounted the heck out of it. Over \$250 off, 69% below MSRP, call it what you will. But no matter what you call it, this deal is killer. Treat yourself to the best and enjoy unthinkable savings on the delicious, prestigious Montecristo and Cohiba brands. Big flavor, big Churchills, big brands, big discount...tiny price. Put a bow on it and call it a day.

SHIPPING on your entire order! CLICK HERE

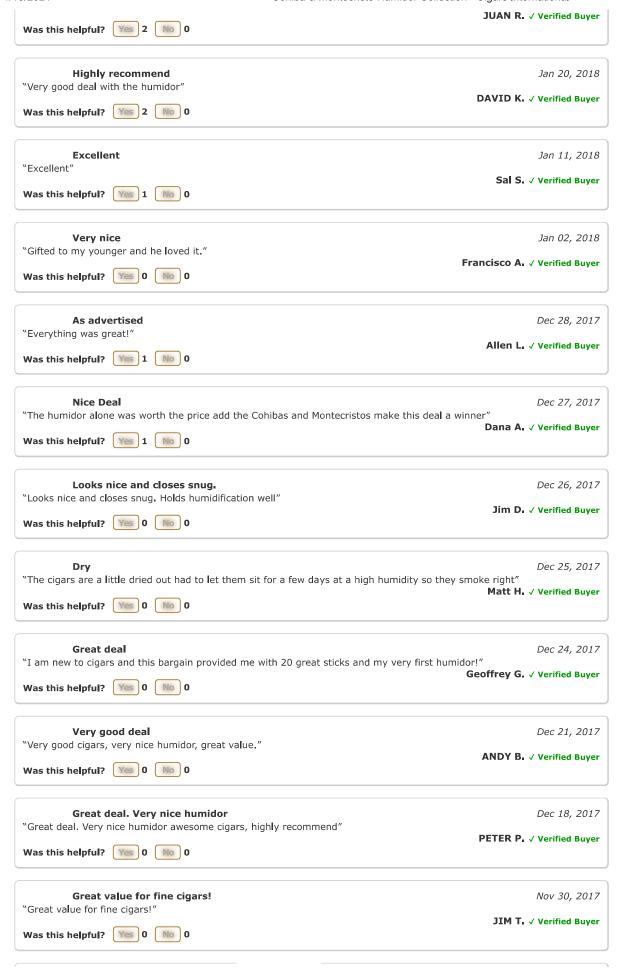
Cohiba & Montecristo Humidor Collection includes:

- 10 Cohiba Red Dot Churchill (7" x 49) 10 Montecristo Classic Churchill (7" x 54)
- 1 Whitetail 50-Capacity Glasstop Humidor

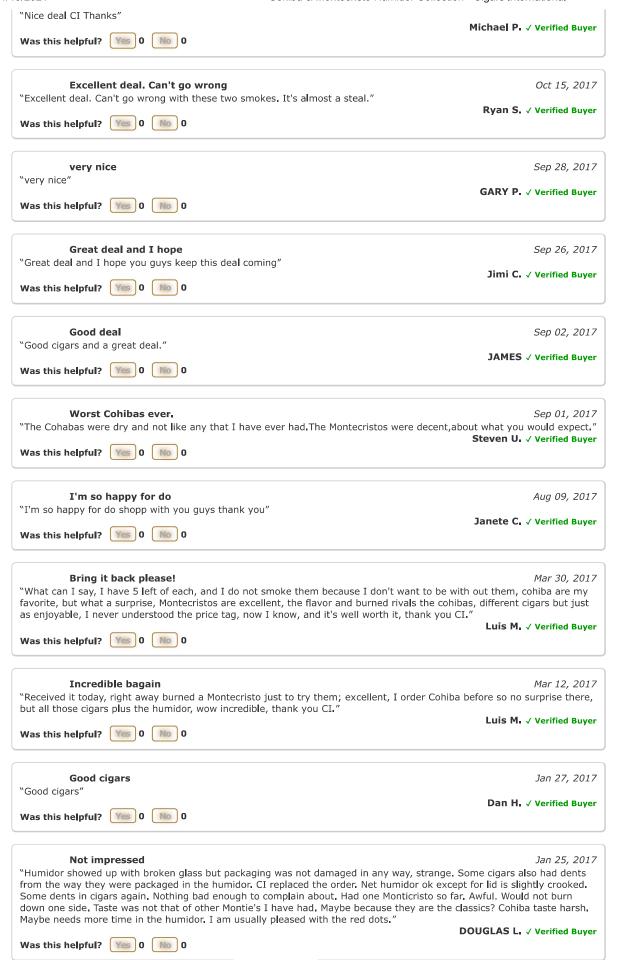
Click the icons below for product information.

Products Customer Reviews (237) Q&A	
Overall Rating Based on 237 Ratings Customer Reviews of "Cohiba & Montecristo Humidor Collection"  Write A Review	190
Showing <b>101-150</b> of <b>237</b> Reviews Sort By Date: Newest First	( <u>Prev</u> 1 2 3 4 5 <u>Next</u> )
Good price "Good price"  Was this helpful? Yes 1 No 0	Mar 25, 2018 Michael H. √ Verified Buyer
Great value except the bottom "Great value except the bottom of the humidor was not attached to the box."  Was this helpful? Ves 1 10 0	Mar 09, 2018  DONALD W. ✓ Verified Buyer
Another Fantastic deal from cigars international "Unbelievable price for fantastic cigars"  Was this helpful? Yes 1 No 0	Feb 28, 2018  John C. √ Verified Buyer
Excellence!! "Great combo of smokes with a nice kick in Humidor Can't beat the price!!!!" Was this helpful? Yes 1 10 0	Feb 26, 2018  JOE S₁ √ Verified Buyer
To my taste the Cohiba "To my taste the Cohiba cigars are excellent. The Monte Cristo is a little stronger but good"  Was this helpful? Yes 1 No 0	Feb 24, 2018  Andres F. ✓ Verified Buyer
Great value - Great deal  "Considering I got the speacial price offer, 10 deliverable and 20% off total price plus 5 can't complain. The clears you receive must not so slightly dry. Monty vellow by	

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## 1/15/2021 Cohiba & Montecristo Humidor Collection - Cigars International **Great Deals and Great Service** "I have been a customer for years. I have always found great deals on great cigars and their service is top shelf." Alan B. Verified Buyer Was this helpful? Yes 0 No 0 Cohiba & Montecristo humidor collection Jan 04, 2017 "This is a GREAT DEAL for great cigars of this quality. I am always looking for samplers with the Cohiba red dot and this one with the montecristo hits on all cylinders and can't say enough about both brands. The humidor is of high quality plus I appreciate the built-in hygrometer and the glass window. All I need to do is just look at it and can see the humidity level every time I go for a cigar. RIGHT ON!" JOHN H. Verified Buyer Was this helpful? Yes 1 No 0 **Great Deal!!** Dec 31, 2016 "Even though it took almost 2 months to receive (item was on back order), was a great price for Cohiba & Montecristo cigars.' michael I. ✓ Verified Buyer Was this helpful? Yes 0 No 0 Good Dec 31, 2016 "Was backordered for about a month, Then sat at PO for two days before delivery, Cigars are great, I had to calibrate the Hydrometer - I normally have to." BARRY K<sub>∗</sub> √ Verified Buyer Was this helpful? Yes 0 No 0 Fantastic value & combo Dec 27, 2016 "I loved my Cohiba and Monticristo combo, great value for premium cigars, at first I bought it as a Christmas present but ended up keeping for myself. Who would pass on this ??" Karim T. ✓ Verified Buyer Was this helpful? Yes 1 No 0 Best cigar deal ever! Dec 26, 2016 "Great cigars, nice humidor awesome price." JOEL W. Verified Buver Was this helpful? Yes 0 No 0 **FANTABULOUS** Dec 22, 2016 "2 GREAT cigars and a real good humidor at this price.....it's a no-brainer!" James K. ✓ Verified Buyer Was this helpful? Yes 0 No 0 Dec 12, 2016 A+ "A+ Luis G. ✓ Verified Buyer Was this helpful? Yes 0 No 0 Dec 08, 2016 **Great Buy** "This really is a fantastic deal. The smokes alone would be well worth the price. The humidor is not junk - keep it for overflow or pass it along. I've ordered it twice and will do so again." Ronald M. Verified Buyer Was this helpful? Yes 0 No 0

Creat cigar.

"Nice flow, equaly burn, good price"

Dec 05, 2016

Was this helpful? Yes 0 No 0

Plamen D, √ Verified Buyer

**Excelent Combo** 

"Excelent, Montecristo A+++"

Nov 15, 2016

Was this helpful? Yes 0 No 0

Luis G. Verified Buver

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wow very nice"	Nov 14, 2016
Was this helpful? Yes 0 No 0	david a. ✓ Verified Buyer
Kens review. "Awesome value, I keep the cigars and gift the humidor,"	Oct 29, 2016
Was this helpful? Yes 0 No 0	Kenneth V. √ Verified Buyer
Great deal "This was and excellent deal. I love the Cohibas and the Cristo's. The humidor was bette use it as an overflow. The cigars I let rest for a few weeks and they were great. Highly reagain."	5
Was this helpful? Yes 0 No 0	<b>Larry F.</b> √ Verified Buyer
Cigars and humidifier	Oct 18, 2016
"Cigars are great, humidor not so goodbut looks nice"  Was this helpful? Yes 0 No 0	Dave T. ✓ Verified Buyer
Frank	Oct 13, 2016
"Great value. Cohibas were very good montes good as well"  Was this helpful? Yes 0 0 0	Frank C. ✓ Verified Buyer
Great price for starters and	Oct 10, 2016
"Great price for starters and great selection."  Was this helpful? Yes 0 No 0	Daniel P. ✓ Verified Buyer
Cigars "I thought the Cohiba cigars would be from Cuba not the Dominican republic."	Oct 07, 2016 Timothy C. ✓ Verified Buyer
Was this helpful? Ves 0 No 2	,
Great Deal!!!!!  "Just the cigars would be an outstanding deal. Add the humidorjust WOW"	Oct 07, 2016  Greg V. √ Verified Buyer
Was this helpful? Yes 0 No 0	
<b>Excellent buy</b> "Cigars and Humi arrived in great shape. Fast delivery as usual. The humidor is actually a good overflow humidor. The cigars were excellent looking but I can't review flavor as I where they will rest for a few months. Highly recommend, this is a great deal to get som free spare humidor. Will order again."	moved them to my humidor e quality smokes and basically a
Was this helpful? Yes 0 No 0	<b>Larry F.</b> √ Verified Buyer
I am very pleased with "I am very pleased with everything I have order from C. I . and I did Have one question great very helpful"	Sep 20, 2016 and there customer service was
Was this helpful? Ves 0 No 0	Lawrence L. √ Verified Buyer
will buy again "All you would expect from these great name brands. The humidor is really nice too,"	Sep 14, 2016
Was this helpful? Yes 0 No 0	donald s. √ Verified Buyer

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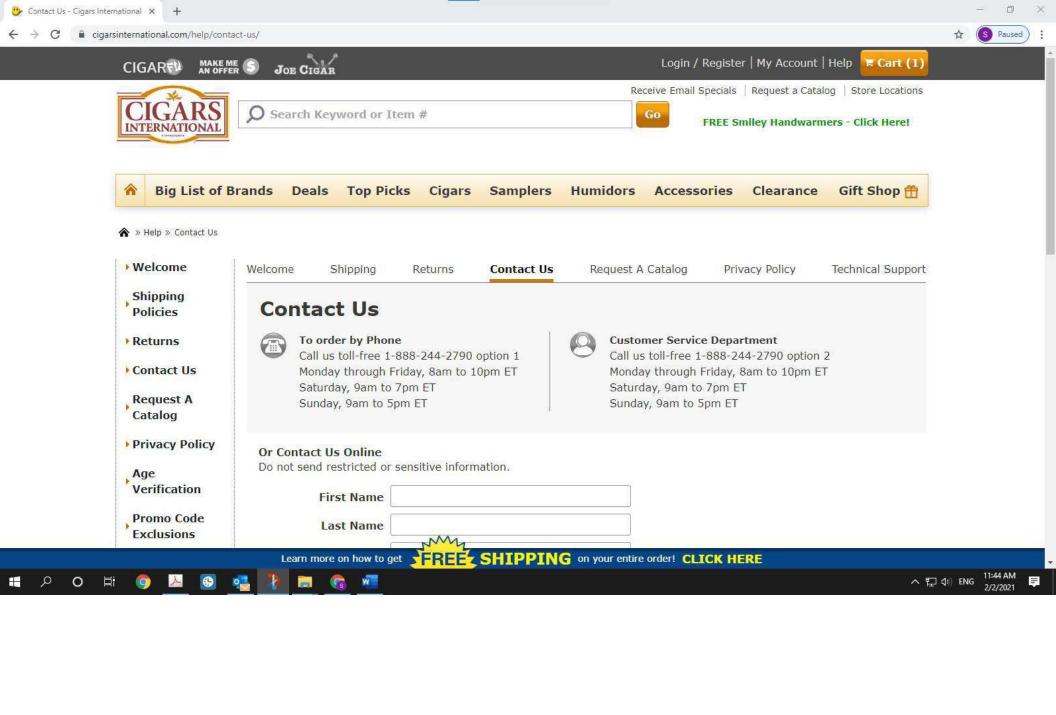
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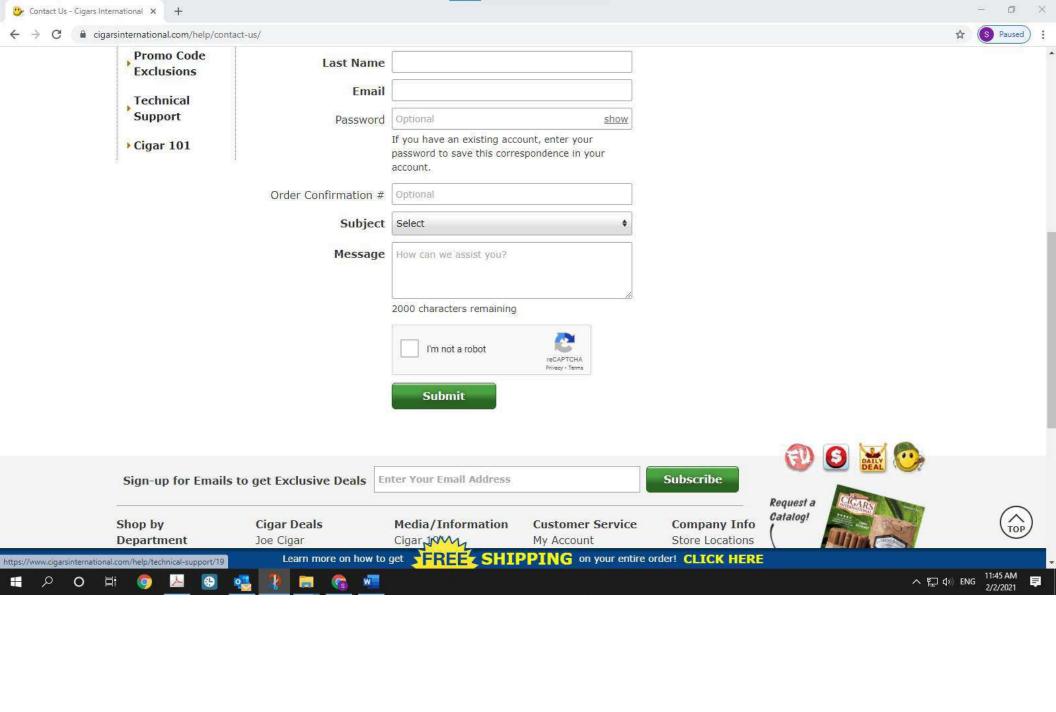
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IF YOU ARE LOOKING FOR A CAREER WITHIN A GROWING RETAILER WHO'S PRODUCTS IGNITE GENUINE PASSION - THEN YOU'VE COME TO THE RIGHT PLACE.

Cigars International is an online and catalog based retailer of cigars owned by Scandinavian Tobacco Group A/S. We have a portfolio of more than 90 brands, and sell an extensive range of handmade cigars directly to 885,000 US consumers.

Established in 1996, Cigars International has become the fastest growing retailer, and today we are an industry leader in online and direct marketing of premium to value segmented handmade cigars and tobacco accessories.

Headquartered in Bethlehem, Pennsylvania, we are











































Headquartered in Bethlehem, Pennsylvania, we are comprised of over 450 cigar enthusiasts and we are growing each day. We have a leading position in the US, and we own and operate retail stores in Pennsylvania, Texas and Florida. We distribute 19 million catalogs on an annual basis and have more than 90 leading brands in our portfolio.

#### **WORKING WITH US**

We have a genuine passion for cigars and every employee is dedicated to deliver the very best in quality, price, variety, service and overall experience to our valued consumers. With job opportunities in our popular retail stores, Call Center, Distribution Center and Headquarters we offer a wide range of interesting career paths. Working for us, you will be part of a rewarding, challenging, creative and fast-paced work environment.

We are an equal opportunity employer and all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, disability status, protected veteran status, or any other characteristic protected by law.

We are always on the lookout for talented people who know how to sell a good cigar, so if you think you have what it takes to work for Cigars International we'd like to hear from you.

#### A company that cares

We value our employees and in addition to our competitive salaries, we offer a competitive benefit package to our talented team members including:











































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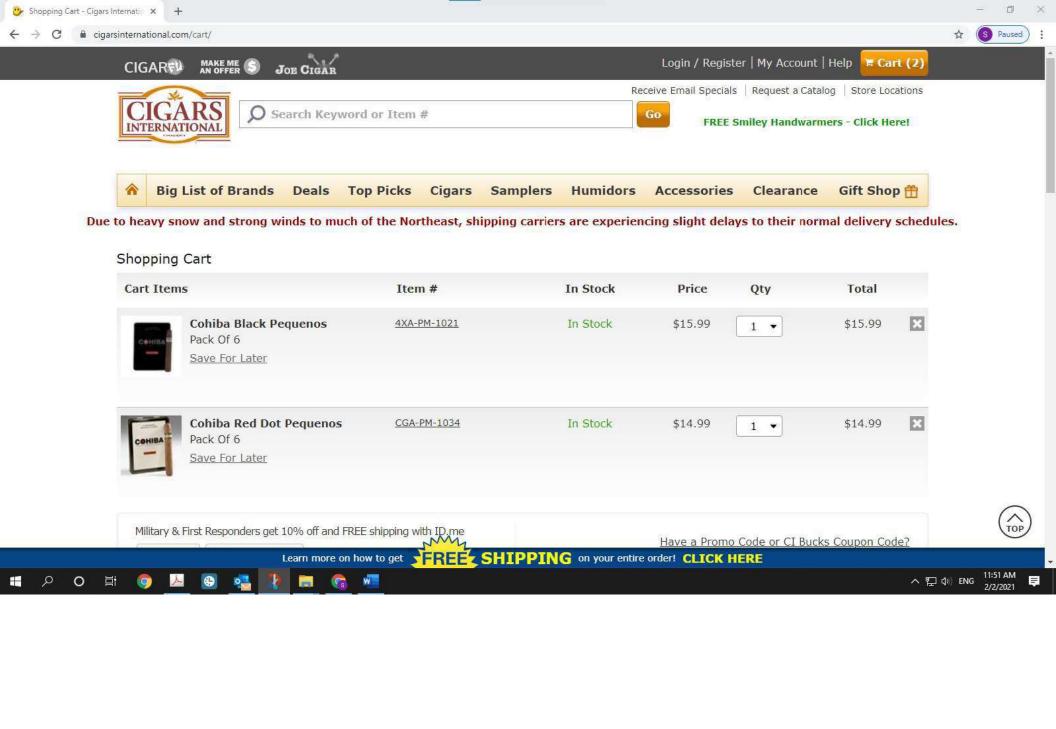


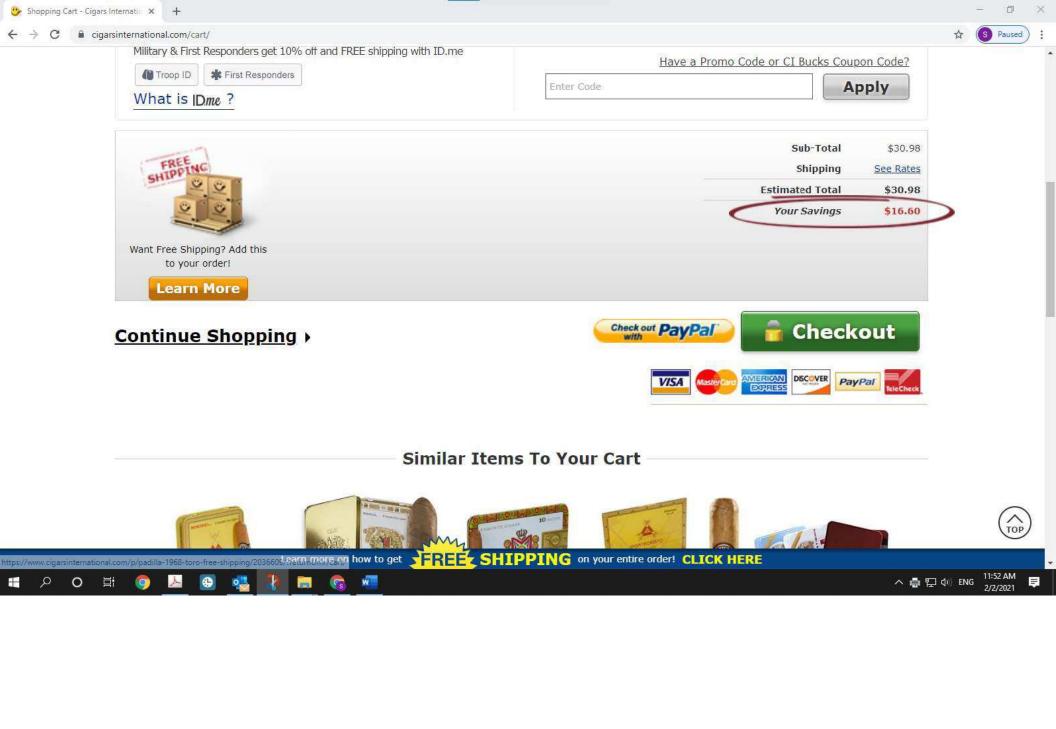


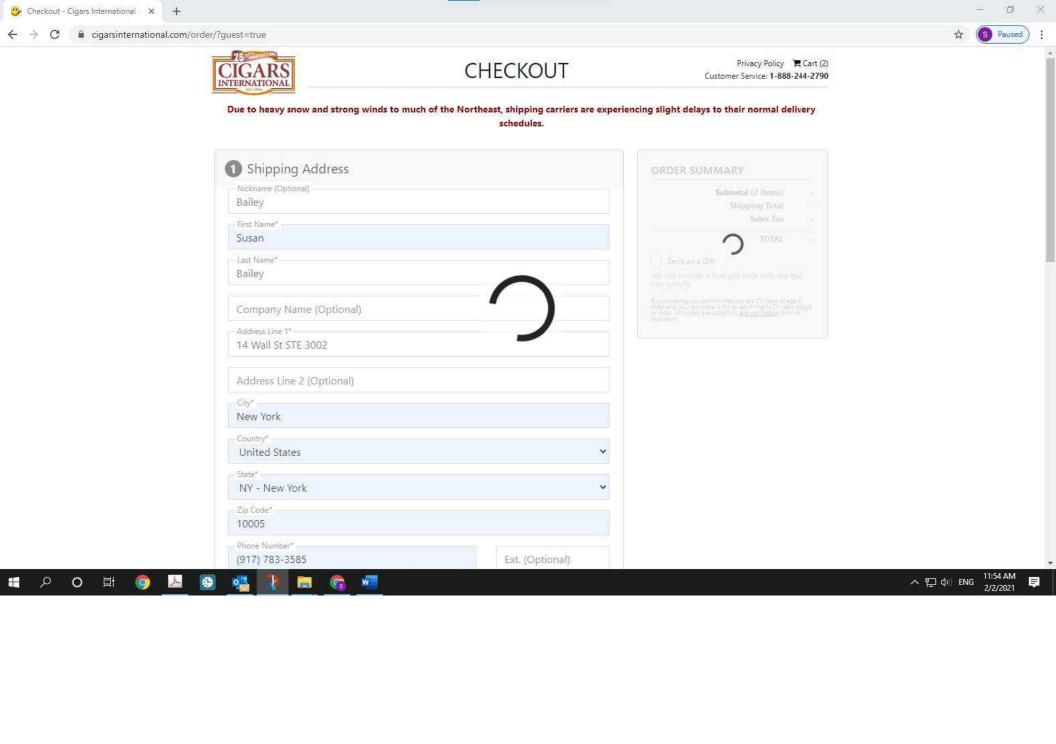


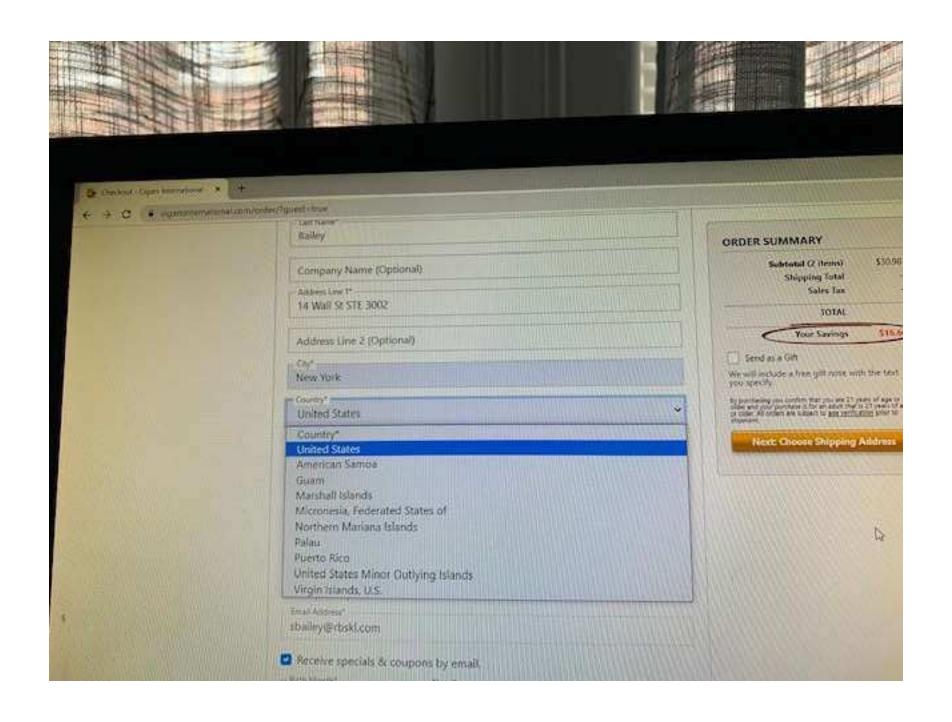












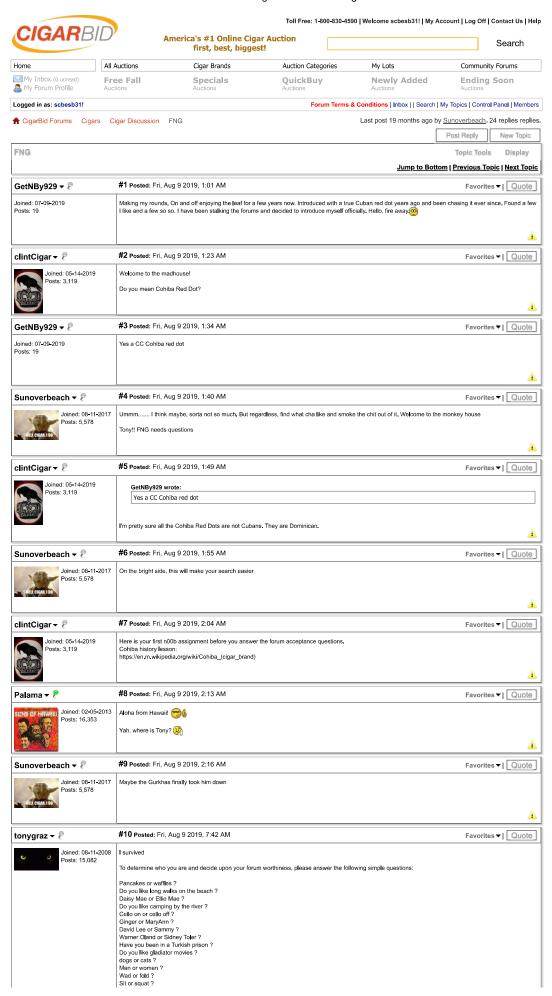
In the matter of Trademark Registration No. 1147309 For the mark COHIBA Date registered: February 17, 1981

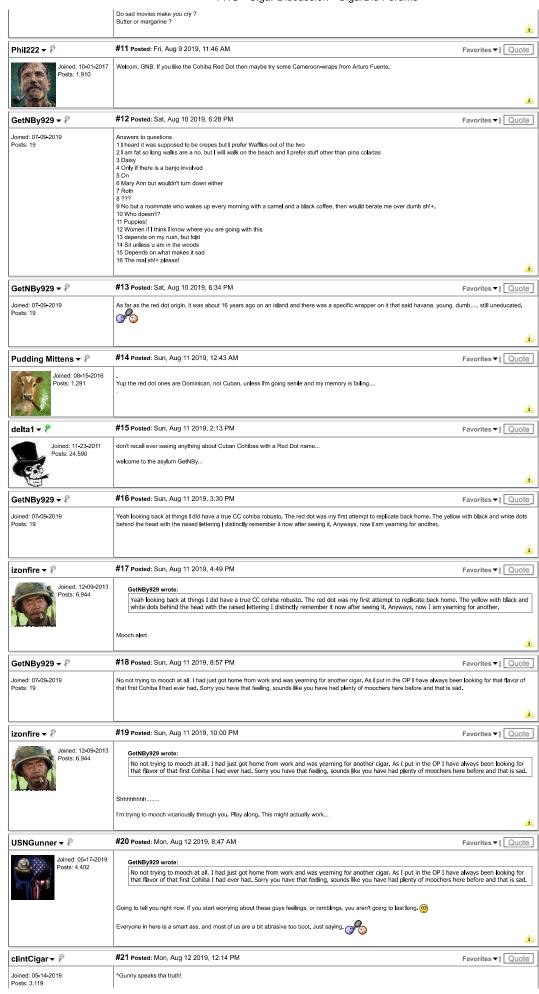
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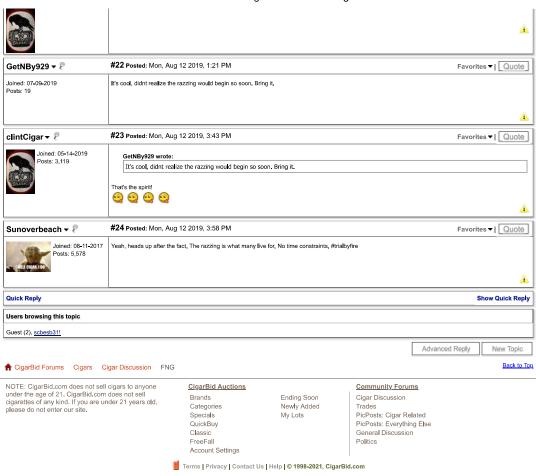
In the matter of the Traden For the mark COHIBA Date registered: June 6, 19	95		
EMPRESA CUBANA I CUBATABACO,	DEL TABACO, d.b.a.	X : :	
	Petitioner,	: :	Cancellation No. 92025859
`	V.	:	
GENERAL CIGAR CO., INC. and CULBRO CORP.		:	
	Respondents.	:	
		· x	

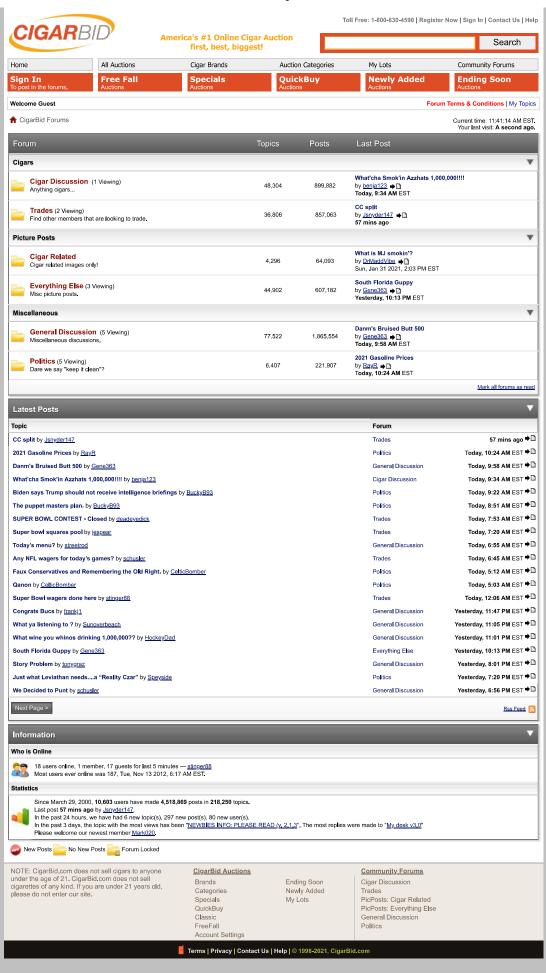
## SECOND DECLARATION OF SUSAN BAILEY

**EXHIBIT 2** 







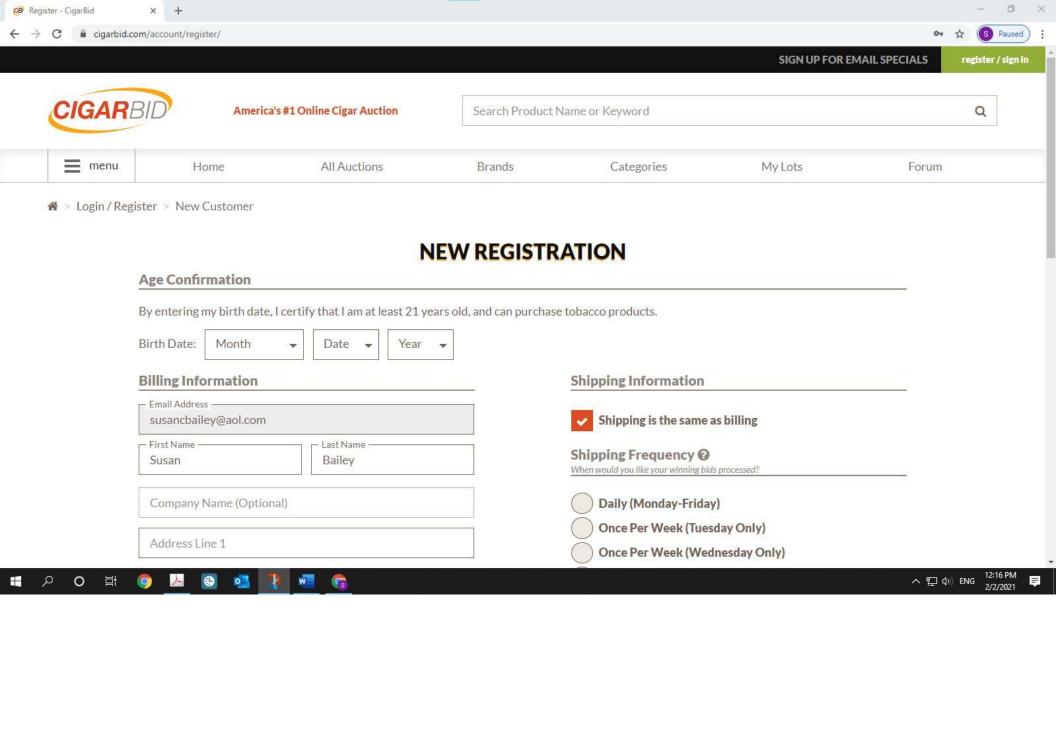


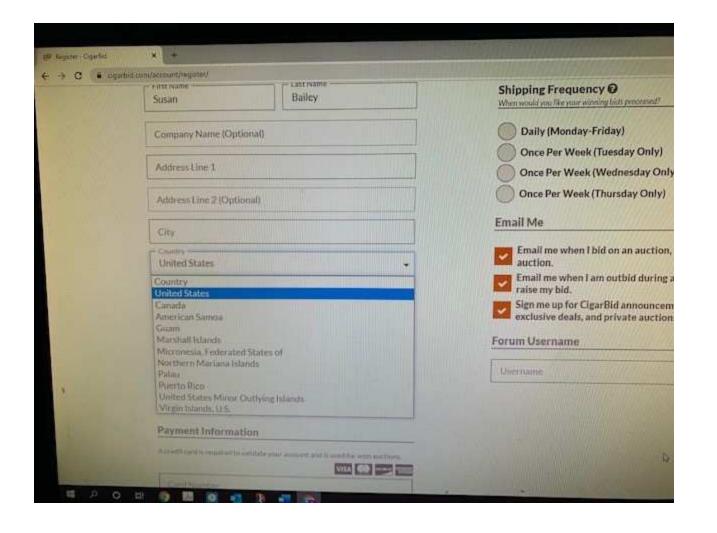
In the matter of Trademark Registration No. 1147309 For the mark COHIBA Date registered: February 17, 1981

**AND** 

For the mark COHIBA Date registered: June 6, 19			
EMPRESA CUBANA CUBATABACO,	DEL TABACO, d.b.a.	: :	
	Petitioner,	:	Cancellation No. 92025859
	V.	:	
GENERAL CIGAR CO., INC. and CULBRO CORP.		:	
	Respondents.	: :	
		x	

# SECOND DECLARATION OF SUSAN BAILEY EXHIBIT 2A





In the matter of Trademark Registration No. 1147309 For the mark COHIBA Date registered: February 17, 1981

**AND** 

In the matter of the Trademark F For the mark COHIBA Date registered: June 6, 1995			
EMPRESA CUBANA DEL CUBATABACO,		: :	
	Petitioner,	:	Cancellation No. 92025859
V.		:	
GENERAL CIGAR CO., INC. and CULBRO CORP.		:	
	Respondents.	: :	
		X	

## SECOND DECLARATION OF SUSAN BAILEY

**EXHIBIT 3** 

### Cigar 101: Wtf Are These Cigar Acronyms And Terms? – By Mike Holmes

Posted on September 23, 2019

For this months cigar 101 topic I really had to think hard on what I wanted to write about. I know I put a feeler out for ideas, unfortunately I decided not to use them! Sorry folks. Instead I got an excellent idea for a very informative article. It seems like weekly, I see this question posed on social media by various people who are either new to the cigar culture or just old heads confused about acronyms and other cigar slang words that are often used online. So without further hesitation, I will begin to answer the Question, WTF are these acronyms and terms? I will also define for you what they mean!

#### What is a herf?

This is the most asked question that I hear. I spend a lot of time in local cigar shops where some of the patrons aren't big into social media many of them simply don't use this word in their vocabulary.



A herf is simply a gathering of cigar smokers. I have seen several different stories about the origin of the word herf, but the explanation that I will go with will be from the members of a cigar newsgroup alt.smokers.cigars (the OGs of cigar forums from the 90's). They actually coined the phrase. These cigar smokers were around on message boards and forums way prior to what we know today as social media. From the word's inception on these forums it became the word to use when describing hanging out with a group of Cigar Smokers... having a herf! Also coined was the phrase Vherf which is short for "virtual herf" which is when you smoke a cigar with someone over video chat or some other virtual connection.

#### **PSSITA**



This is the second most asked question which is, what does PSSITA mean? Well we know that it doesn't mean "Put Some Sausage In The Ass" or "Pour Some Semen In The Alley", which are typical smart ass comments posted when asked this question (all in good fun). Actually PSSITA means "Put Some Smoke In The Air". This acronym is typically used when making a post to social media and is just a general phrase that is used to signify that you are relaxing and smoking a Cigar. So now that you know let's PSSITA!

#### **BOTL & SOTL**

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These 2 acronyms are used to describe male and female cigar smokers as either Brother of the Leaf or Sister of the Leaf. There are actually cigar clubs with the same names but the terms have become popular and have been used to describe male and female cigar smokers. All cigar smokers are a brotherhood and sisterhood so what better way to address someone than to say "Hey BOTL" or "Hey SOTL".

#### Shit stick, Dog rocket, Turd

These terms are used to describe a cigar that is simply not a good cigar. It could be the way the cigar is burning or the flavors you are getting from the cigar. A lot of times, cigar smokers use these terms a little too loosely, it is important to remember that everyone has different tastes! So someone's dog rocket might just be someone else's favorite cigar! So be kind to your fellow BOTL or SOTL and just PSSITA!

#### ISO

You might have seen this acronym on various social media sites. ISO is simply short for "In Search Of." You use it when you are looking to hunt down a specific cigar or cigar related item.

#### **HTF**

When people are in search of a specific cigar it usually means that it is a HTF or "Hard To Find" Cigar. Usually a limited production cigar or one that simply isn't in your area.

#### **RAOK**

This is extremely new to the cigar community because Facebook now bans the sale and trading of cigars, so in order to remain under the radar, if someone sends you what used to be called a "Bomb" (a gift of cigars) you should now use the term RAOK which means "Rational Act Of Kindness". This helps to remain in good standing with Facebook's policies and still partake of the cigar lifestyle and generosity we all enjoy.

#### Unicorn

A unicorn is simply a cigar that is very very rare. Not to be confused with a limited edition cigar. Unicorns are something that you will probably smoke once in your lifetime if you are lucky!

#### CC & NC

CC simply stands for "Cuban Cigar" and NC means that it is a "Non Cuban" cigar.

#### B&M



### GRAN HABANO



STICKS CIGARS



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#### **EL ARTISTA**



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The acronym B&M is short for Brick and Mortar, which means it is a cigar shop that has a physical location where you can go to buy and smoke cigars. If you have a B&M in your town, I highly recommend you visit it, as they are the backbone of the industry.

#### What does it mean to retro-hale?

The act of retro-haling is simply exhaling the cigar smoke through your nose. It is beneficial to retro-hale, it certainly enhances the cigar experience. Your nose is much more sensitive so you will pick up even more notes from the cigar you are smoking. You might be asking yourself how do I retro-hale? All you have to do is push the smoke up into your nasal cavity (do not inhale into your lungs) and then blow the smoke out through your nose. It might take a little while to grasp, but once mastered it will definitely enhance your experience smoking cigars.

#### In Conclusion

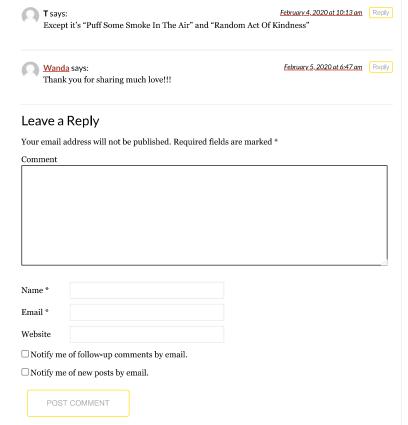
I felt defining some of these acronyms and terms that we use regularly would be really helpful. New cigar smokers will benefit the most but seasoned smokers who aren't as social media savvy will also pick up a few pointers. I'm sure I missed a few acronyms and phrases so if you think of any more feel free to leave a comment below this post and let's discuss!

Cigar Lifestyle: A Celebration Cigar 101: What's the deal with Cigar 101: How to Not Get of Black Cigar Smokers - By Jacked By TSA - By Mike cigar shop etiquette? Mike Holmes Holmes This entry was posted in <u>Cigar 101</u> and tagged <u>cigar 101</u>, <u>Mike Holmes</u>. Bookmark the <u>permalink</u>.

← Cigar Review: Alec & Bradley Blind Faith - Rated 89

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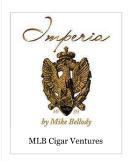
#### 2 thoughts on "Cigar 101: Wtf Are These Cigar Acronyms And Terms? - By Mike Holmes"



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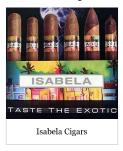
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Padilla Cava Natural Robusto - Rough Cut

Torpedo - Rated 95

Cigar Review

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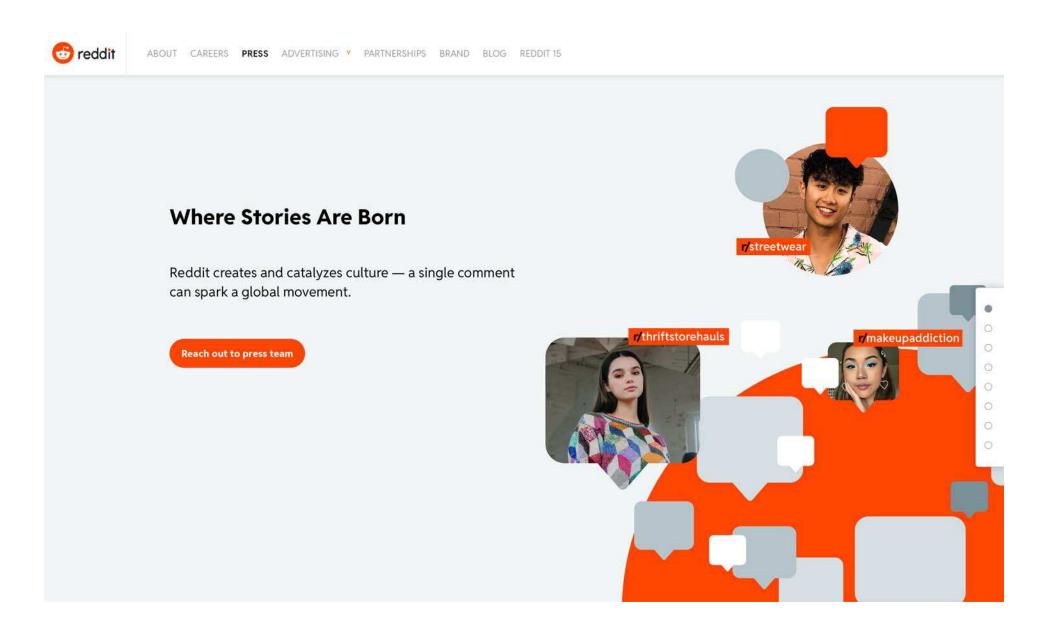
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**AND** 

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	V.	:	
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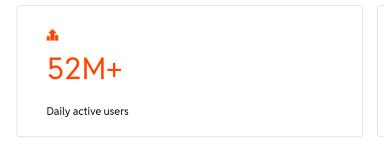
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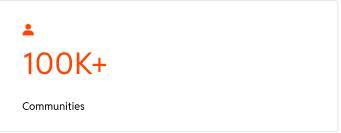


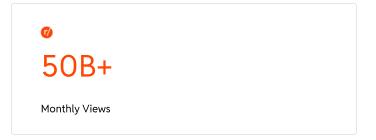
## **Reddit by the Numbers**

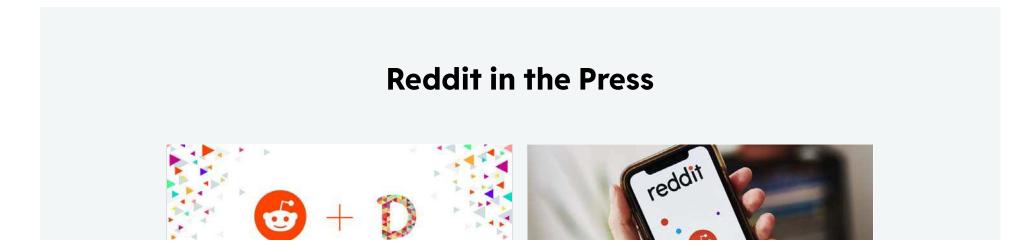
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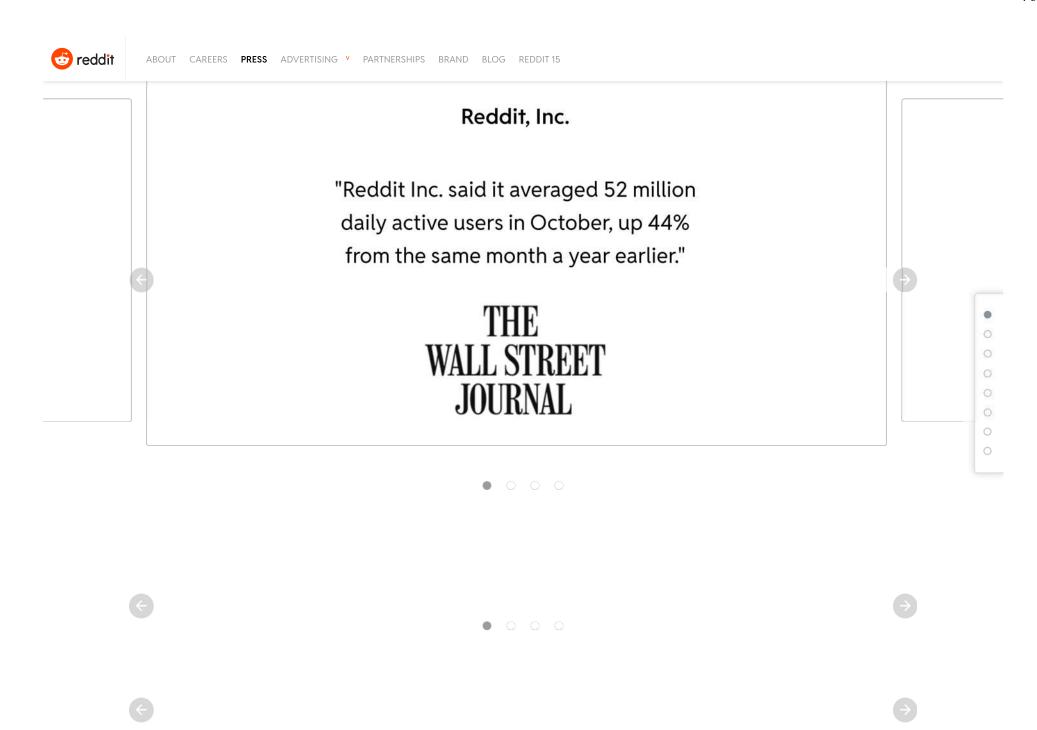
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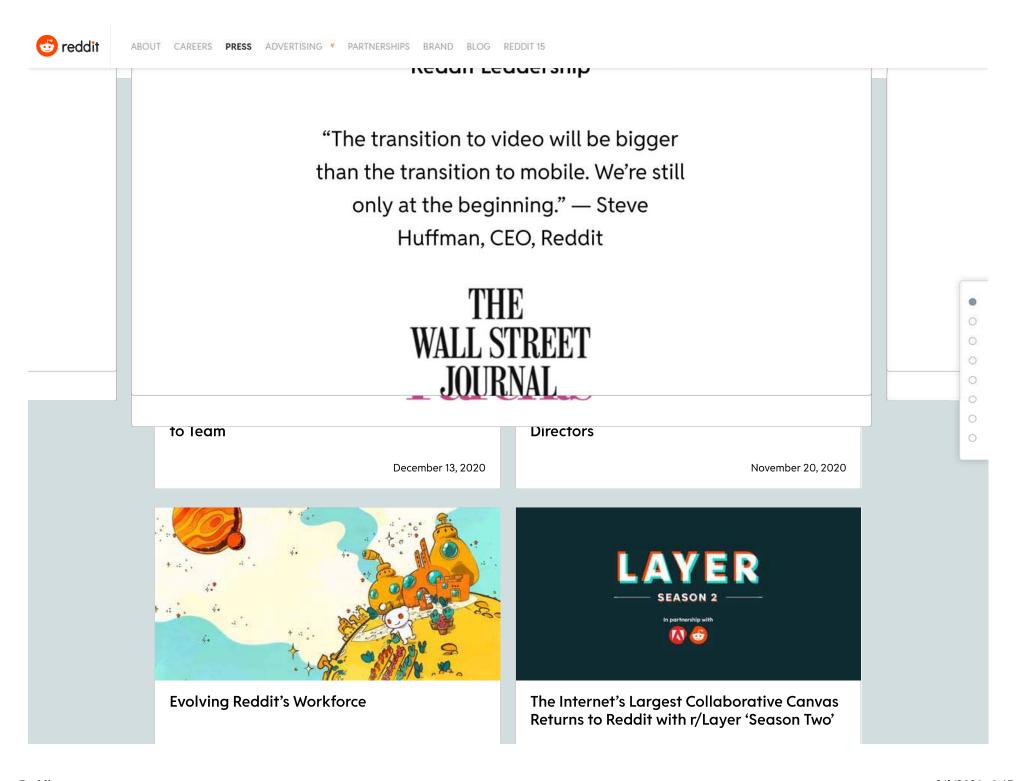




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Jen Wong COO View Bio



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Contact us

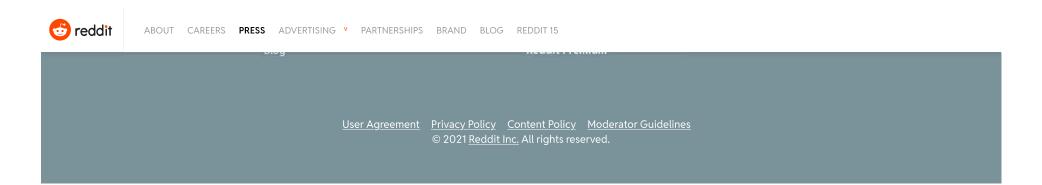
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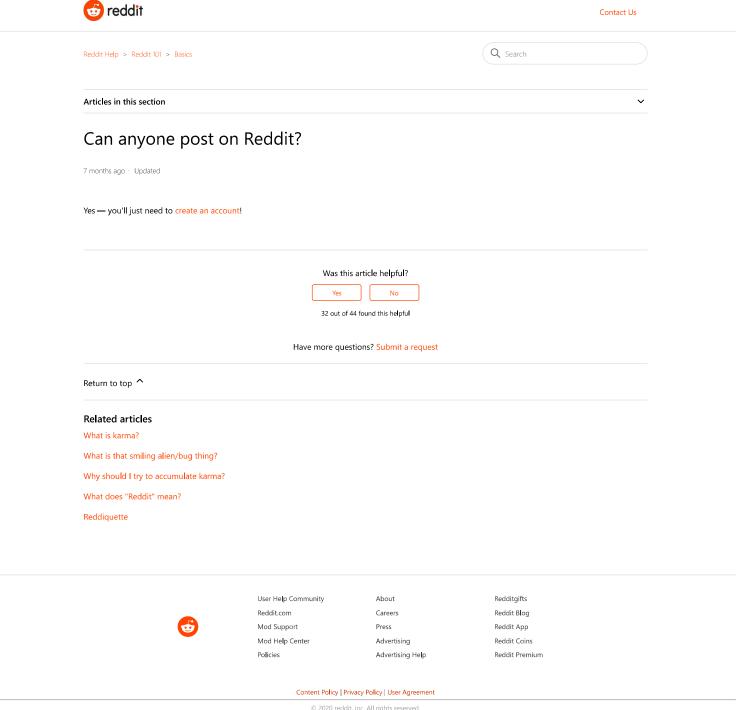
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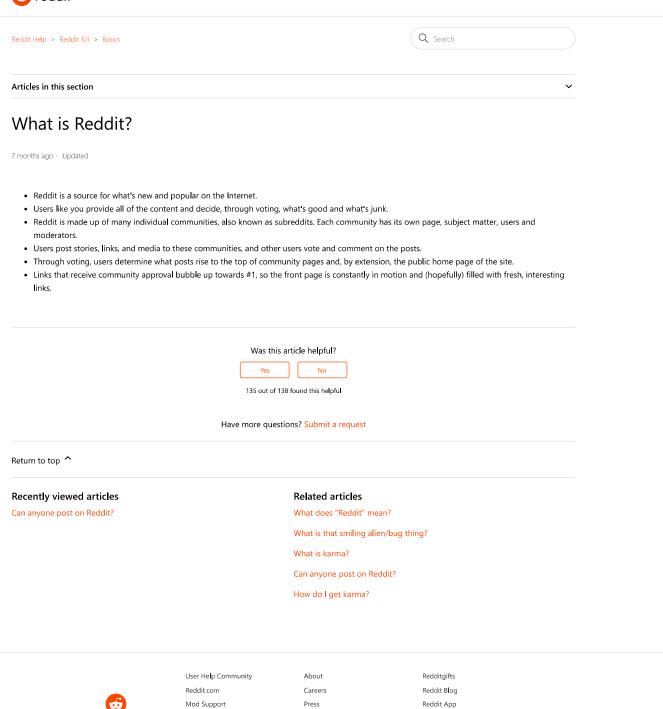


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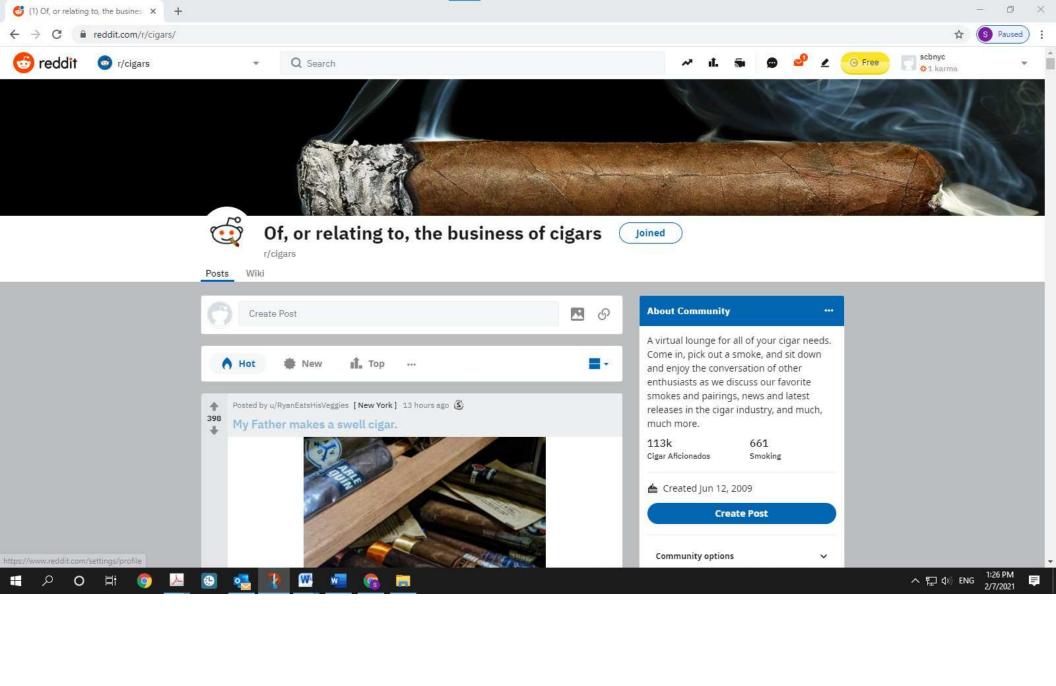
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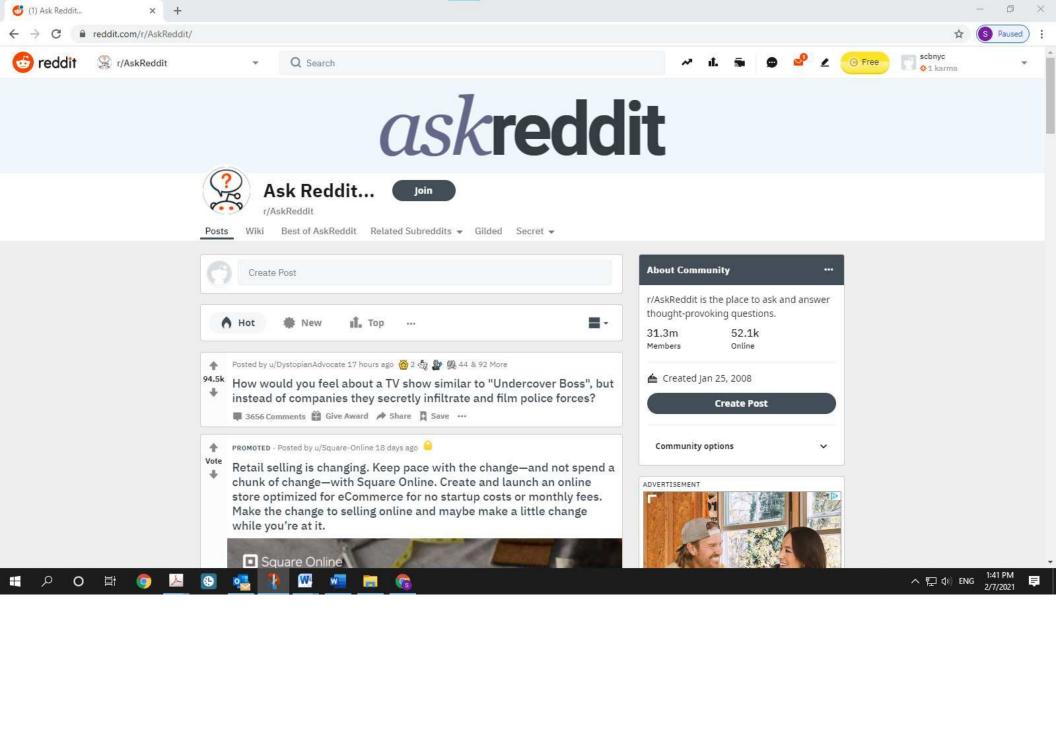


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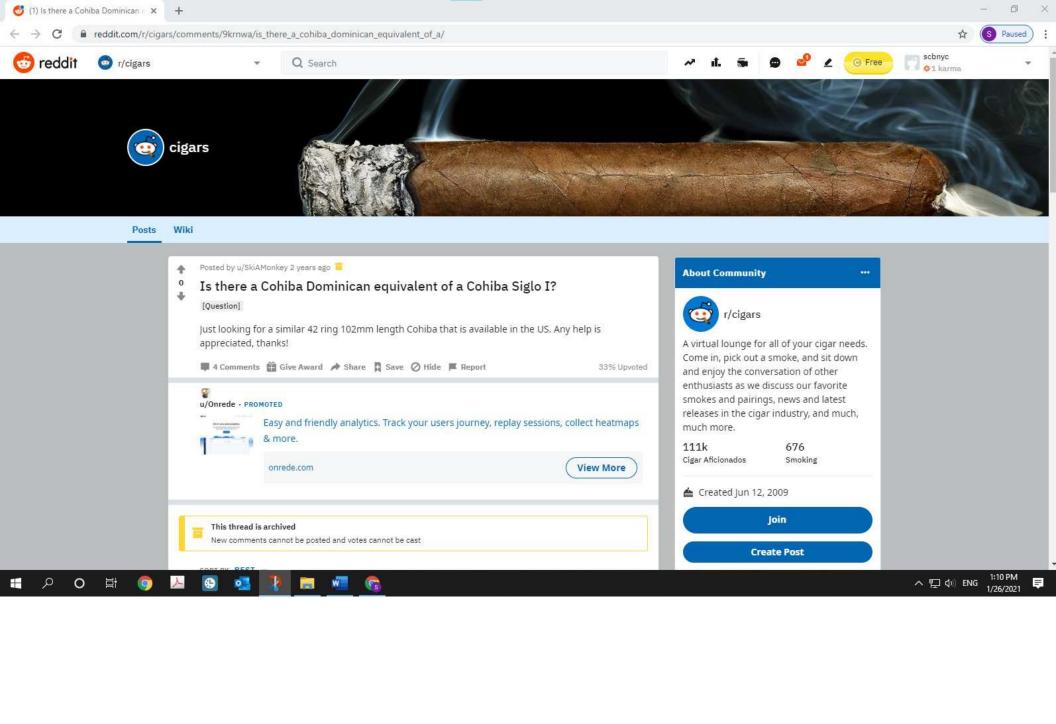
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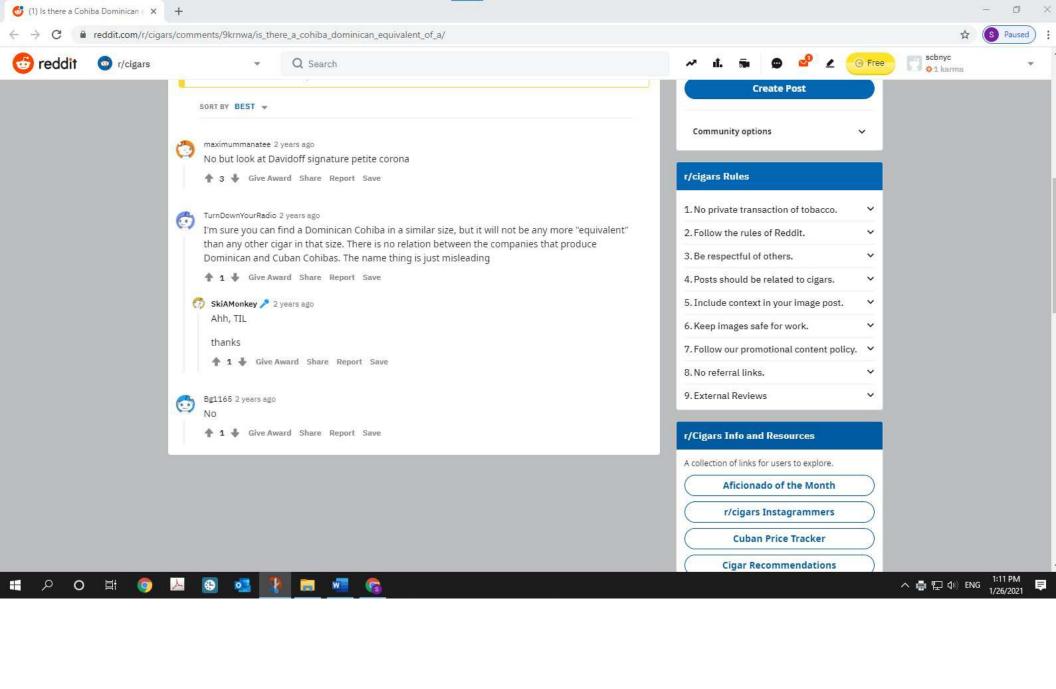
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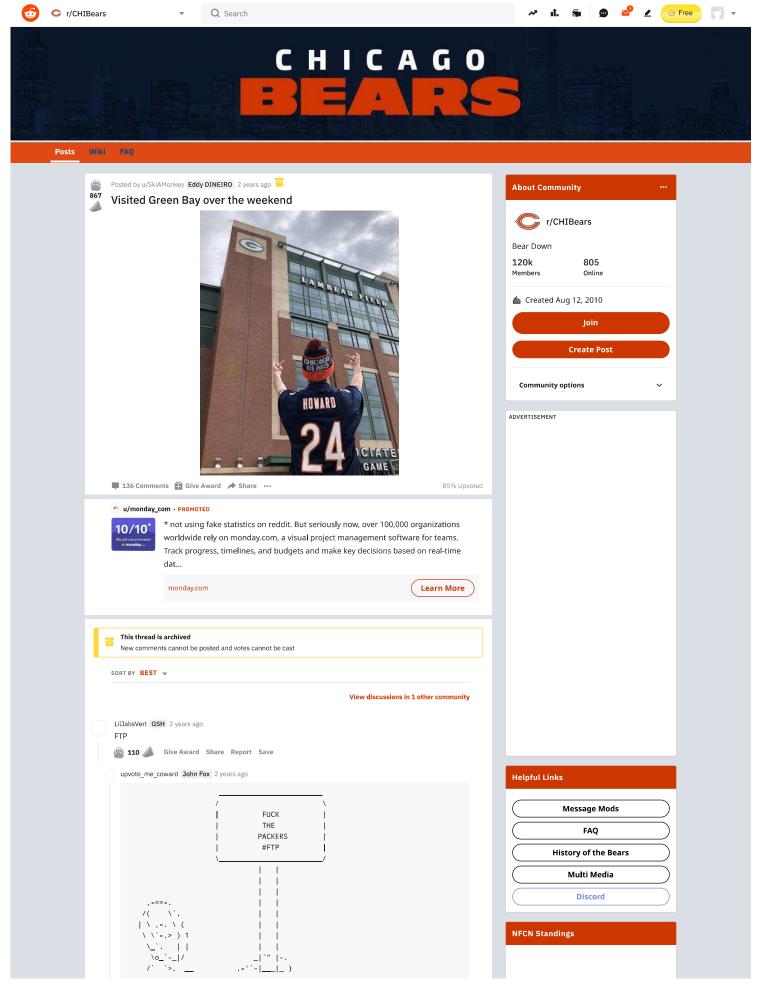
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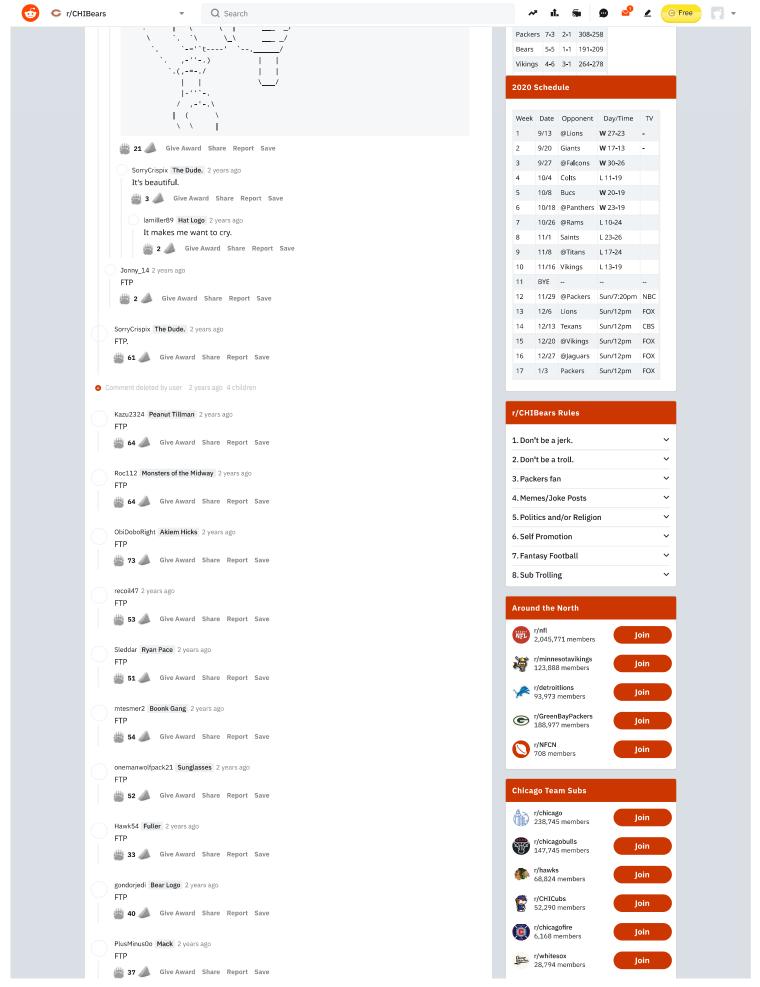
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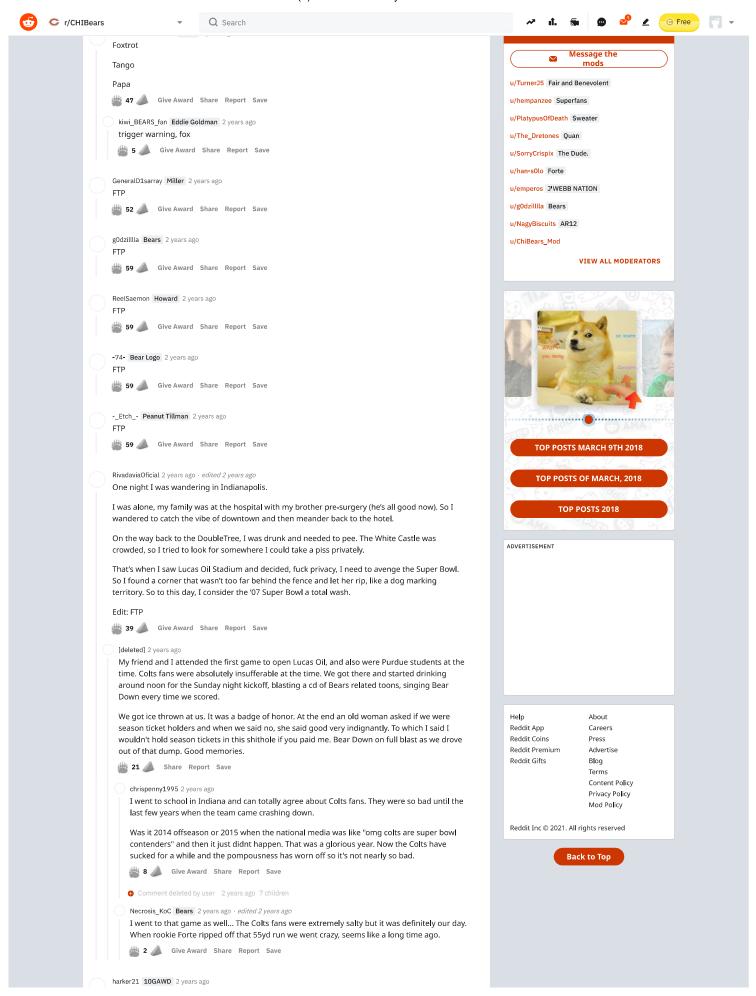
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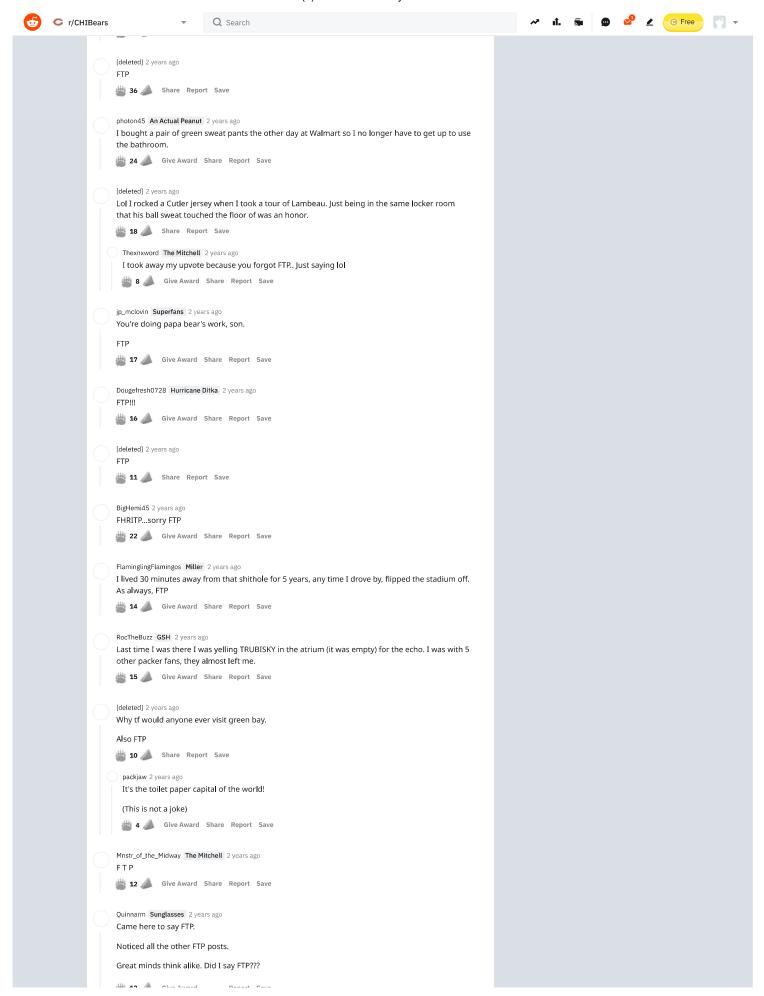


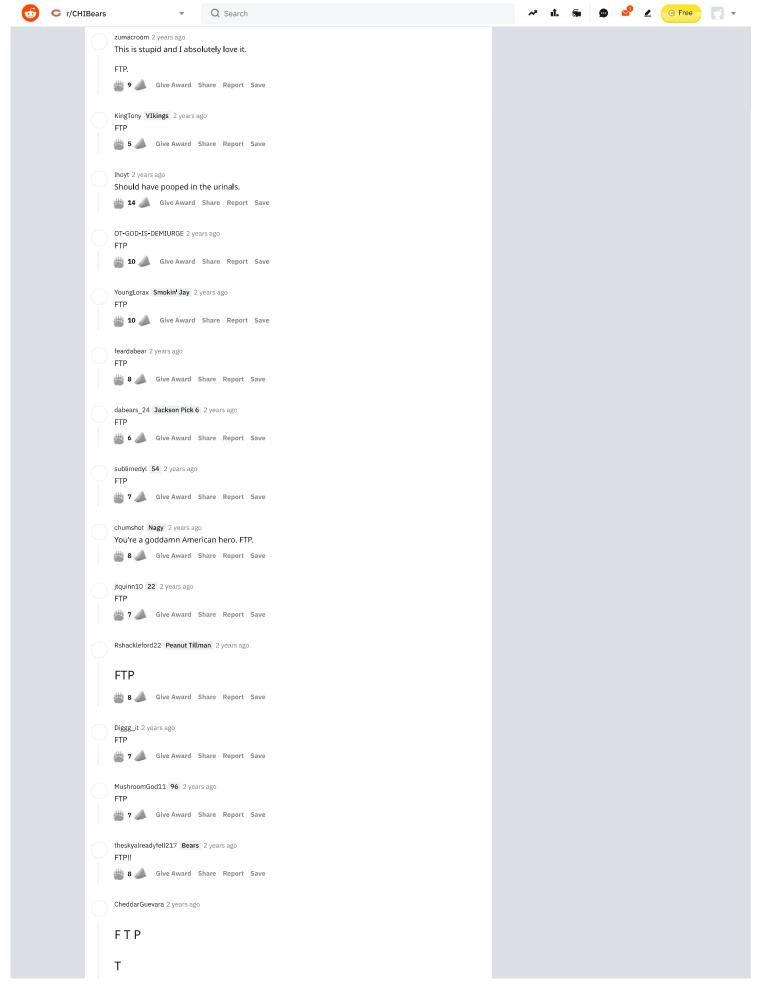


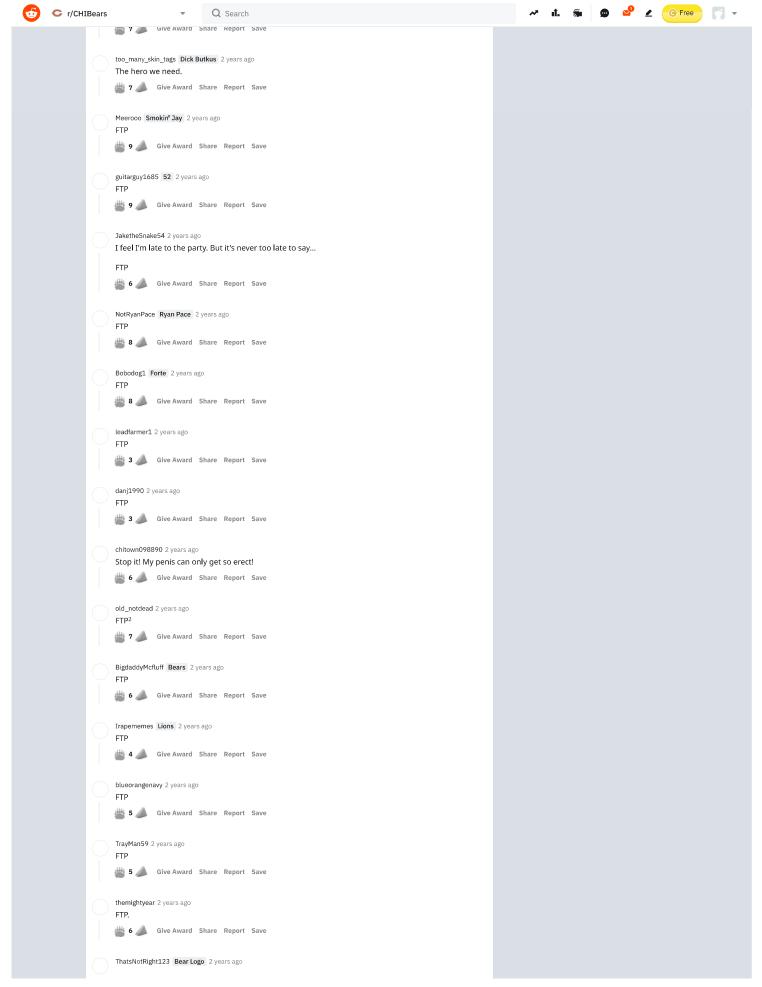


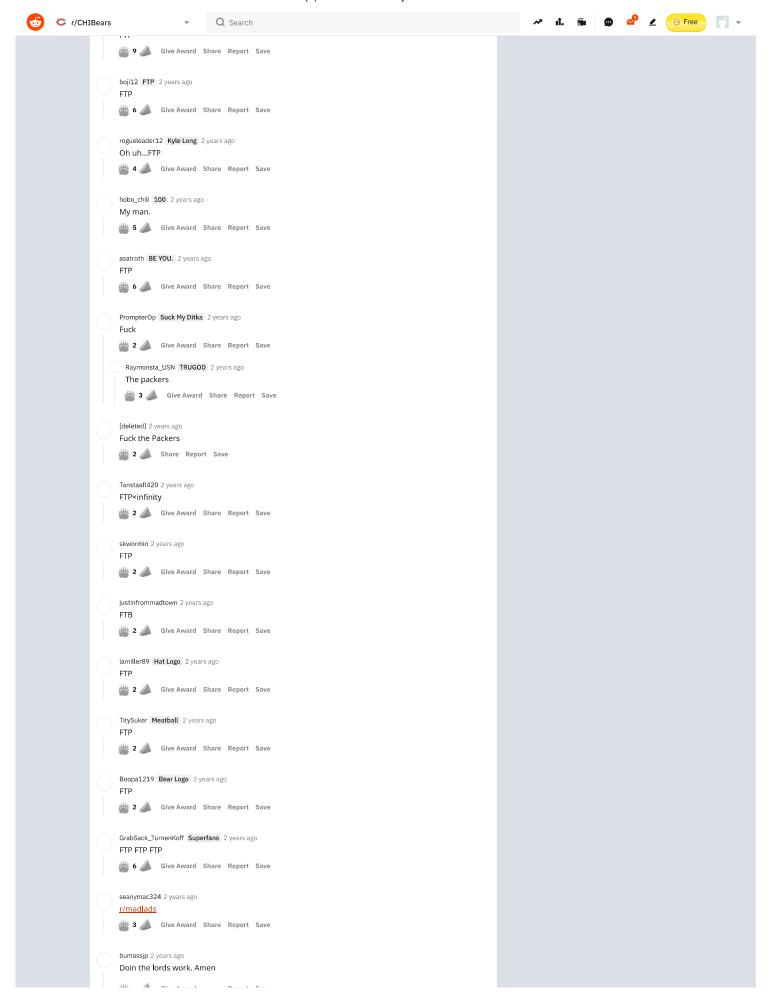


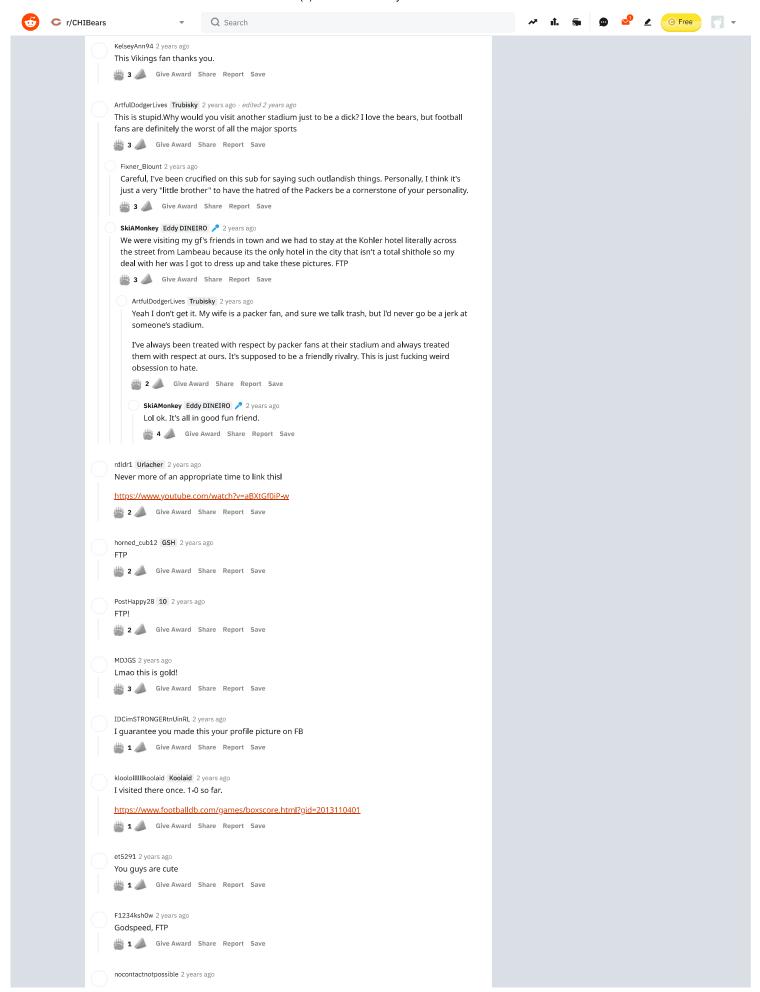


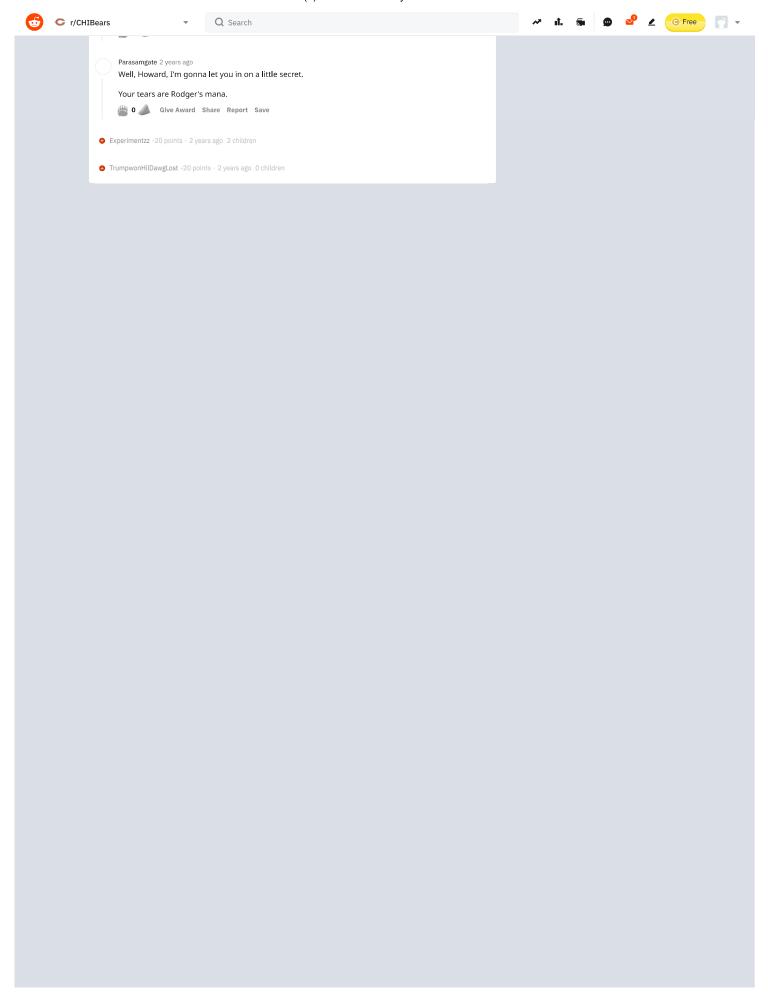












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**EXHIBIT 8** 



### Lifewire



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### What Does TIL Mean?

How to understand and use this abbreviation

by Paul Gil Updated on April 04, 2020









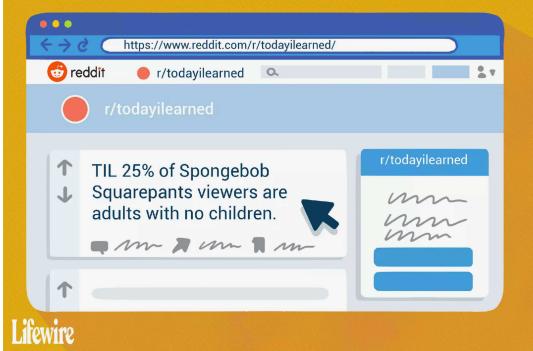


If you've ever seen TIL on the discussion website <u>Reddit</u> or in a text or email message, you might wonder what the person posting it is saying. What does TIL stand for?

TIL Stands for:

Today I Learned

#### **How TIL Is Used**



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Lifewire / Theresa Chiechi

If someone types TIL, it means they want you to pay attention, or that you may find what they're about to say very interesting. Like most <u>internet jargon</u>, the expression is not suitable for business dealings. TIL is best used on Reddit or in personal texting, email, or online chatting.

#### **Example of TIL in Use**

EXAMPLE 1:

"TIL that Pope Francis and Pope John Paul the Second are honorary members of the Harlem Globetrotters."

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#### EVALAIL FE 3

"TIL the patent for the fire hydrant was lost in a patent office fire."

#### **EXAMPLE 4:**

"TIL the first can opener was patented on January 5, 1858, 50 years after the can was invented. Before its invention, people used hammers and chisels to open cans."

#### **Origins of TIL**

TIL gets its name from a Reddit site subreddit called Today I Learned, where visitors learn something new through posts made by other Reddit users. Reddit members use TIL in the titles of their postings when they discover something fascinating, something that contradicts common knowledge, or a fact that is particularly important and of interest to readers. It's also common to see TIL used in the comments section on Reddit when a user wants to express that an article or someone else's comment was new information to them.

TIL became more popular, and people now used it in texts, emails, and other social media websites, such as Facebook and Twitter, where it means the same thing as it does at Reddit. TIL hasn't become as widespread as other internet acronyms such as LOL and ROFL.

#### **Capitalizing and Punctuating Web and Text Abbreviations**

Capitalization is a non-concern when using text abbreviations and chat jargon. Use all uppercase or all lowercase letters, and the meaning is identical.

Proper punctuation is similarly a non-concern with most text message abbreviations. For example, the acronym for "too long, didn't read" can be TL;DR or TLDR. Both are acceptable.

Never use periods (dots) between your acronym letters; it would defeat the purpose of being a shortcut. For example, you would never spell TIL T.I.L., and TTYL ("talk to you later") would never be T.T.Y.L.

#### Recommended Etiquette for Web and Text Jargon

When tempted to use jargon in messages, evaluate who your audience is, if the context is informal or professional, and then use good judgment. If you know someone well and it is a personal and informal communication, then absolutely use abbreviations. On the flip side, if you are just starting a friendship or professional relationship, avoid abbreviations until you've developed a relationship rapport.

If messaging in a professional context with someone at work, or with a customer or vendor outside your company, avoid abbreviations altogether. Spelling out full words shows professionalism and courtesy. It is much smarter to err on the side of being too professional at first, and then relax your communication over time organically.

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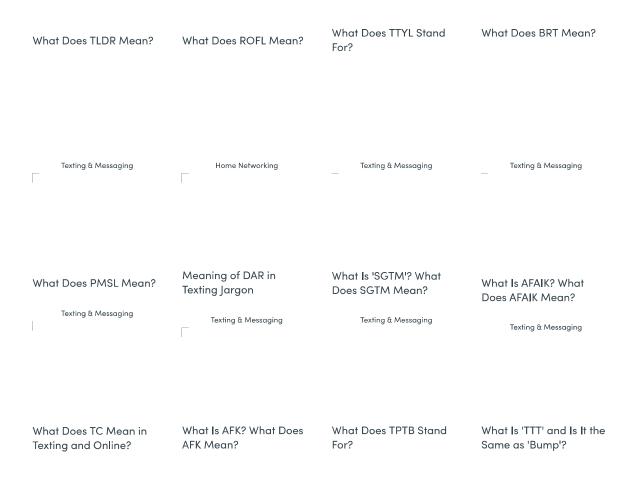




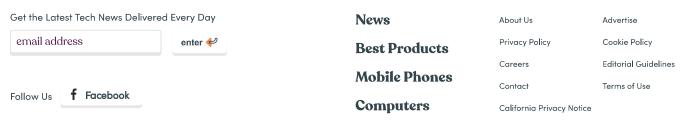
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#### Who We Are

Lifewire provides expert-created, real-world technology content for more than 10 million users like you every month. We have more than 50 technology professionals — software developers, educators, web designers, speakers, consultants, and more — all producing articles with informative visuals and straightforward instruction. Our library of more than 17,000 pieces of content, created and refined over the past 20 years, helps you fix tech gadgets that aren't working properly, learn how to perform specific tasks, and find the best products — without the confusing jargon you'll find on other sites. Lifewire is a top-10 technology information site, according to comScore, a leading Internet measurement company, and has been honored with multiple Communicator Awards.

You don't live and breathe technology, but you do use it everyday and you expect it to work. Our goal is to help you get the most out of the technology in your life. We are Lifewire, Tech Untangled.

#### **Our Writers**

Our writers have extensive experience working with the tech they write about. They are leaders in the field — hosting talks, creating technology videos or podcasts, developing apps and software, or teaching online/in-person classes about their subjects — and the majority of our writers hold advanced degrees. Most importantly, these are real people who use the technology they write about, and are passionate about sharing that knowledge and expertise with others.

Meet some of our writers:

#### SAM COSTELLO

Sam Costello is a professional technologist and has been writing for Lifewire since 2016, with a career in technology dating back to 2001.

Prior to Lifewire, Sam covered technology for About.com for nearly ten years. He has been featured on CNN, PC World, InfoWord, ComputerWorld, NetworkWorld and MacWorld, and he's been U.S. correspondent for IDG News Service and an on-air guest for numerous radio stations discussing various types of technology. He is also the author of My Apple TV and My iPad for Kids. Sam holds a B.A. in Media Studies from Ithaca College.

#### KAREN MARCUS

Karen Marcus is a professional freelance writer with more than 20 years experience in the technology space. She's written for Brainstorm, Website Compass, and Business Connections eNewsletter, as well as tech companies including HP, IBM, Intel, Samsung, and Amazon Web Services.

She has a B.A. in English Literature from University of Colorado at Denver; and an M.A. in English from Colorado State University.

#### ROSE DE FREMERY

Rose de Fremery is a former IT Director and has been writing about technology since 2011. Her work has appeared on sites like Ziff–Davis, Sage, Vonage, The Mighty Guides, and more.

In addition to her work for Lifewire, Rose currently writes about technology trends for leading companies such as HP, IBM, Intel, and WordPress. She has also served as Managing Editor of The Social Media Monthly. Rose holds a B.A. in English with a minor in Computer Science from Oberlin College.

#### **Editorial Guidelines**

We take great pride in the quality of our content. While we cover hundreds of different topics, they all have one thing in common: readers looking for tech information they can trust. Our writers create high-quality, original, accurate, expert content that is free of ethical concerns, conflicts, or misinformation.

All of our content is professionally edited before publishing to ensure compliance with our strict standards. Our experienced editors check for readability, formatting, spelling and grammar, photo and screenshot quality, inclusive language and imagery, and much more.

Our product reviews are independent and based on research and product testing — if you visit links within our content, we may receive commissions from your purchases, but we never receive any compensation or consideration for the content of our recommendations. Learn more about our review process here.

#### **Fact Checkers**

Lifewire's team of experienced fact checkers provides a critical layer of review to ensure content integrity. This group of professionals is selected and vetted for journalistic and subject matter expertise. They are tasked with researching all statements of fact to ensure that news and technical information articles are accurate and comprehensive and statistics are properly sourced and up to date.

If we are meaningfully correcting a news article, whether part of our fact checking process or not, we simultaneously publish a correction at the bottom of the article that explains details of the change.

#### **Our Team**



<u>Tim Fisher</u> General Manager, VP, Lifewire.com

In addition to serving as GM and VP of Lifewire, Tim has been professionally installing and servicing technology for over 30 years and writing about it for more than 20 years. Tim likes to talk (a lot) and has been quoted or referenced in many major online and print publications, including The New York Times, Forbes, Computerworld, Engadget, and hundreds of other sites. When he's not at work, he's busy trying to figure out when the universe will end.



S.E. Slack
Strategy Director, Lifewire.com

A true crime fanatic, S.E. (Sally) Slack has been a professional technology writer writing for consumer and business publications for longer than she cares to admit. As the Strategy Director at Lifewire, she manages a team of more than 20 freelance writers and employees to produce and maintain all the how-to and fix content on the site. When she's not working, she's researching someone's family tree to see if they or a family member fit the crime. Is your DNA profile next on her list?

Rob LeFebvre aka 'The Coolest Dude at Lifewire' is the Senior News Editor for the site. He manages a team of more than a dozen technology journalists to expose and explain the industry from an honest and sometimes slightly irreverent viewpoint. His tech news background experience includes stints all over the Web plus he writes and produces <a href="Tech Today">Tech Today</a>, the newsletter that delivers daily tech news with a twist. You can usually find Rob after-hours playing a gig with his band, where his multitasking skills cover voice, bass, guitar, drums, and keys. Get his autograph if you catch him one night!

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Rob LeFebvre
Senior News Editor



Alan Bradley is a Senior Tech Editor for Lifewire. Previously he was a senior writer for GamesRadar and PC Gamer but we've forgiven him for that since he's also written for publications like *Rolling Stone*. Despite being a Certified Geek™, Alan's paradoxically a big sports fan who loves the NFL and annoying Americans who don't understand what he's talking about with rambling monologues about the technical complexities of Formula One. His parents are grateful that the PC repair business he ran from his bedroom in his early teens didn't set their house on fire.

Read more →

**Alan Bradley** 



<u>Ajay Kumar</u>

Ajay Kumar is a Tech Commerce Editor for Lifewire. He has more than a decade of experience in tech journalism, consumer electronics, and digital publishing. Ajay has reviewed hundreds of tech products during that time and shared his honest, unflinching opinions with anyone who will listen. In his spare hours, he spends far too much time building and rebuilding his gaming rig, losing money trading cryptocurrency, and trying to find the best flight deals to escape to Europe.

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Alice Newcome–Beill has been the associate commerce editor for Lifewire since December 2019. She graduated from CUNY Brooklyn College and her work has appeared on PCMag, PC Gamer, and GamesRadar. In her spare time, she enjoys building computers, emulating old software in DOSBox, and cycling.

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Alice Newcome-Beill



J<u>erri Ledford</u> Writer, Editor

Jerri L. Ledford is a writer, editor, and Content Analyst for Lifewire with more than 20 years' experience writing for consumer and business publications. We fondly think of her as our resident military brat. As the child of a career Navy man, she went to 12 different primary schools and has been in Iceland, Cuba, Germany, and Mexico plus 49 of the 51 states.

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Kyree Leary
News Editor

Kyree Leary has been a technology and gaming writer for nearly 10 years. His work has appeared on Digital Trends, IGN, Futurism, and more. Fun fact: Kyree once helped build a very basic speech recognition TV as part of his high school engineering project. He can't prove it worked, though, because he accidentally shocked it (and himself). He's fine now. Really.

Read more →

Molly K. McLaughlin has been a technology writer since 2004. Her work has appeared on many tech sites across the web including PCMag, Dealnews, and Wirecutter. Born and raised in NYC, Molly loves to travel when she's not testing tech instructions for Lifewire readers. What you don't know about her is that she's a trivia fanatic. Don't bother looking for her on Wednesday nights; she's too busy shouting facts at her friends via Zoom (now that her local group has moved online during the pandemic.)

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Molly McLaughlin Writer, Editor

#### What Our Readers Say

"I tried to power on my laptop and there was no sign of power. Today is an important day because I have many deadlines that I have to meet by midnight. I am incredibly grateful to your instructions on how to turn on a computer that is not powering on. Thank you very much for writing an article about this. You saved me much grief, time, and further pain."

-Naz, March 2019

"Thank you so so much for the advice on this web site. Now I can truly listen to Spotify with happiness and the sound is out of this world. You guys are pretty smart. I've been having problems with Bluetooth through my cell for weeks and weeks and now the audio sounds great for Spotify on my Kenwood stereo. Thank you truly from the bottom of my heart. Have a great evening!"

-Charlene, February 2019

"I spent three hours trying to create an html signature for Thunderbird and then I found your site! It took me 5 minutes... simple! Thanks for the very clear instructions, unlike so MANY tech sites. I'll be back! Have a great day!"

-Phil, February 2019

#### About Dotdash

Dotdash's vibrant brands help over 100 million users each month find answers, solve problems, and get inspired. Dotdash is among the largest and fastest growing publishers online, and has won over 80 awards in the last year alone, including Digiday's 2020 Publisher of the Year. Dotdash brands include Verywell, Investopedia, The Balance, The Spruce, Simply Recipes, Serious Eats, Byrdie, Brides, MyDomaine, Lifewire, TripSavvy, Liquor.com, TreeHugger and Thoughtco.

Here is an overview of our properties:

**Verywell:** The Verywell family of brands, including <u>Verywell Health</u>, <u>Verywell Fit</u>, <u>Verywell Family</u>, and <u>Verywell Mind</u>, take a human approach to health and wellness content and are a welcome alternative to hyper-clinical health sites. Nearly 30 million people use Verywell sites each month to feel better and be healthier.

Investopedia: Investopedia helps investors understand financial concepts, improve investing skills, and learn how to manage their money. Investopedia reaches over 16 million people each month.

The Balance: The Balance family of brands, including The Balance, The Balance Careers, and The Balance Small Business, deliver clear, practical, and straightforward personal financial advice to nearly 12 million people each month.

The Spruce: The Spruce family of brands, including The Spruce, The Spruce Eats, The Spruce Pets, and The Spruce Crafts combine inspiration with how-to advice to help users create homes they love. Collectively, The Spruce sites reach over 32 million people each month.

Simply Recipes: Simply Recipes, one of the original food blogs, helps over 10 million people each month get easy, delicious food on the table for themselves and their families.

Serious Eats: Serious Eats delivers trustworthy recipes, rigorously tested techniques, and food science to over 4 million hungry readers each month.

Byrdie: Byrdie is dedicated to all things beauty, inside and out. From hair and makeup to health and wellness, Byrdie takes a fresh, no-nonsense approach to feeling and looking your best. Byrdie reaches seven million people each

with every type of couple, every type of wedding, and every type of celebration.

**MyDomaine:** MyDomaine makes an aspirational life achievable—and affordable—with curated home-design inspiration, quick and fresh recipes, and healthy relationship advice that awaken a life well lived. MyDomaine reaches two million people each month.

Lifewire: <u>Lifewire</u> provides helpful, actionable tech tips, advice, and answers, without confusing jargon. Lifewire helps nearly six million people each month get the most out of their technology.

TripSavvy: <u>TripSavvy</u> delivers curated expert advice for family and vacation travelers. We help over three million people each month have the best travel experiences.

Liquor.com: Liquor.com is dedicated to good drinking and great living. We inspire, entertain and educate over three million people each month interested in what happens in the glass and out of it.

TreeHugger: <u>Treehugger</u> is the only modern sustainability site that offers advice, clarity, and inspiration for both the eco–savvy and the green living novice. With over a million monthly users, Treehugger is one of the world's largest information sites dedicated to driving sustainability mainstream.

ThoughtCo: ThoughtCo is one of the largest and most comprehensive learning, information, and education sites online. ThoughtCo helps over seven million people a month become lifelong learners.

Source: Comscore, October 2020 US

DOTDASH PRESS

Read about Dotdash and our family of brands in the news.

**OUR SENIOR MANAGEMENT TEAM** 

To learn more about the Dotdash Senior Management Team, visit the Dotdash corporate site.

#### **Contact Us**

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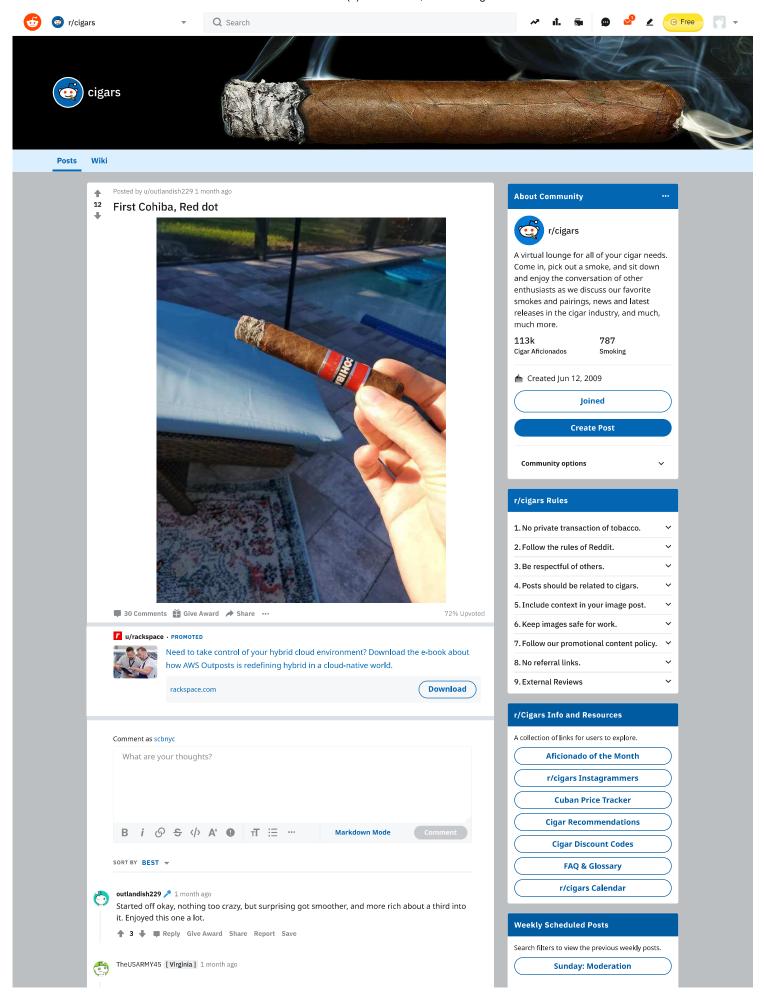
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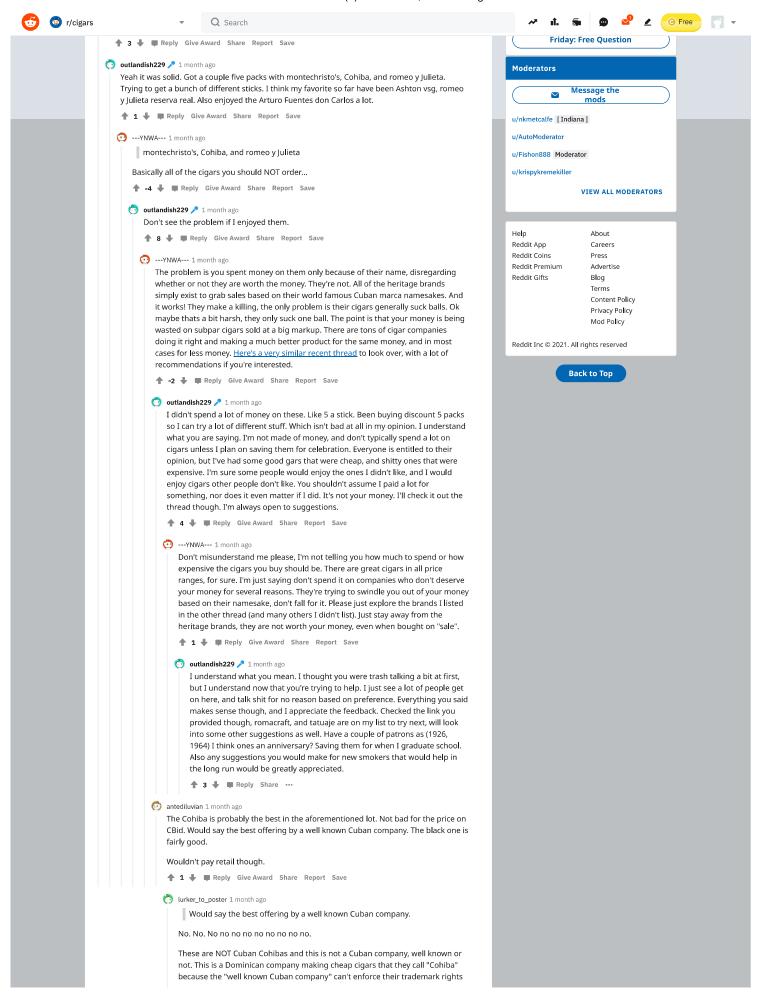
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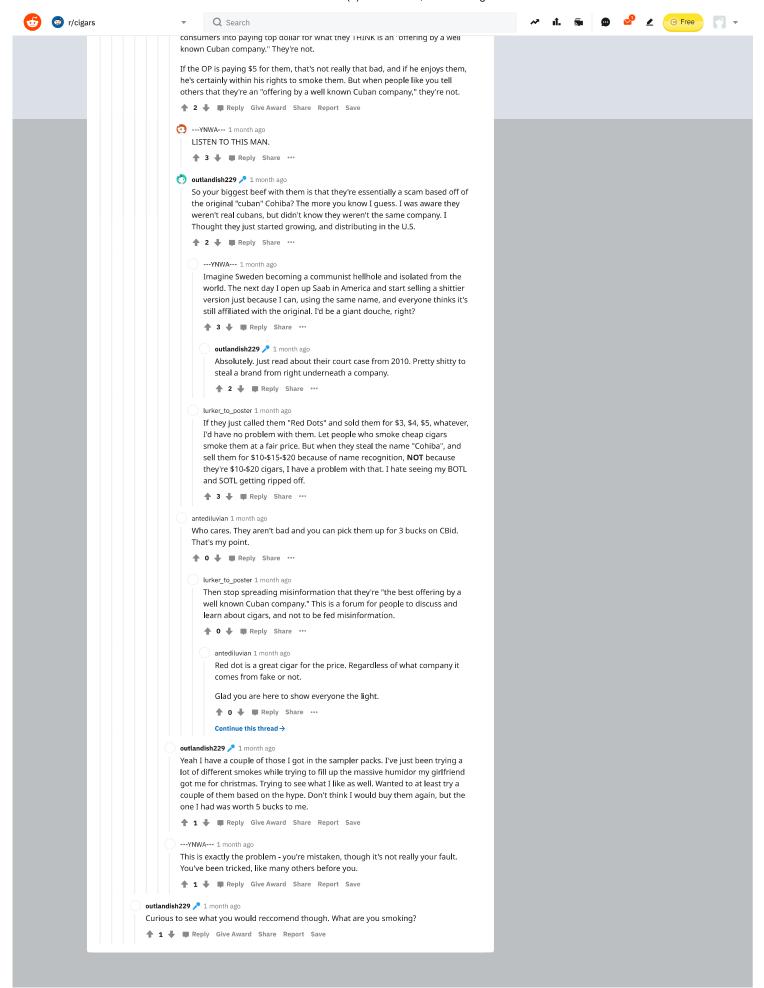
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	Petitioner,	:	Cancellation No. 92025859
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	Respondents.	: :	
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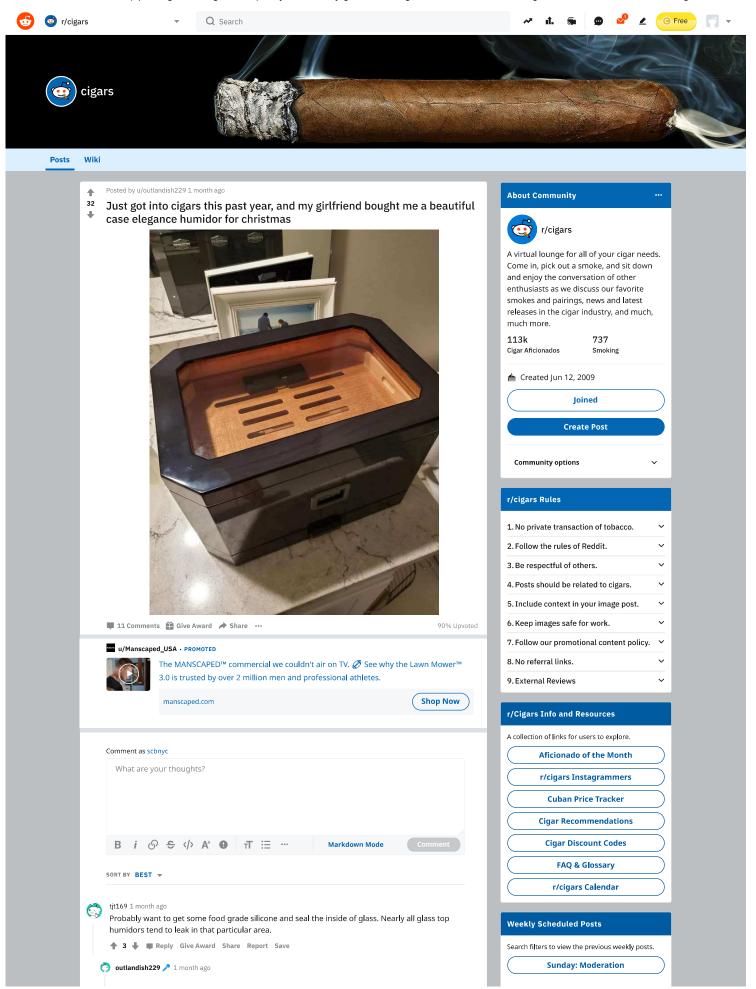
# SECOND DECLARATION OF SUSAN BAILEY

**EXHIBIT 9** 

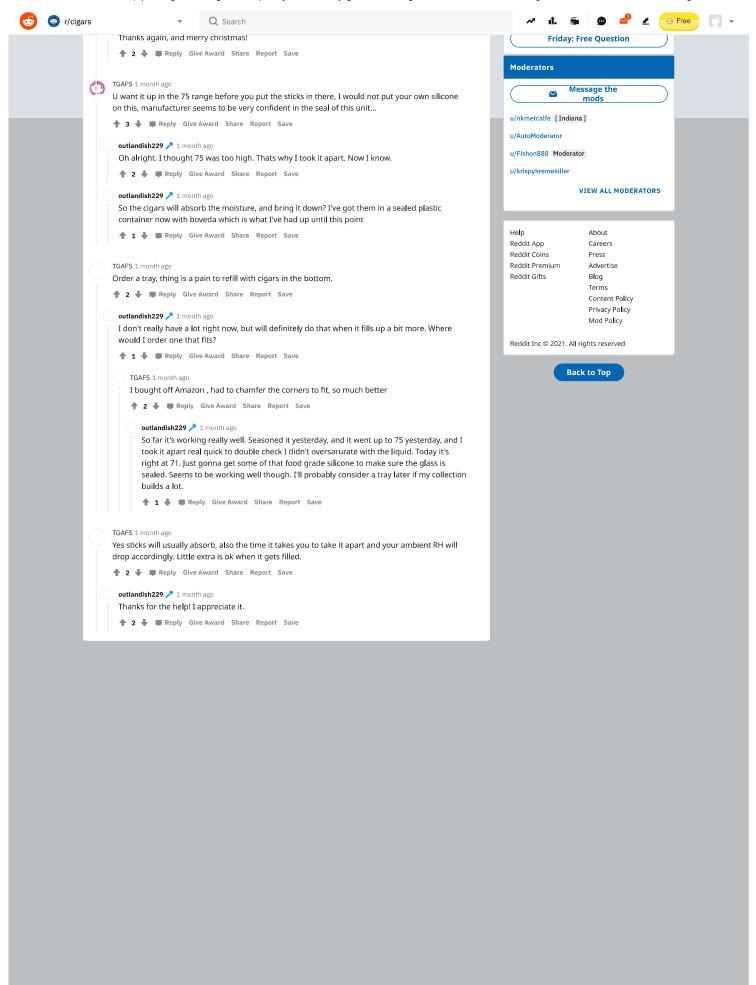


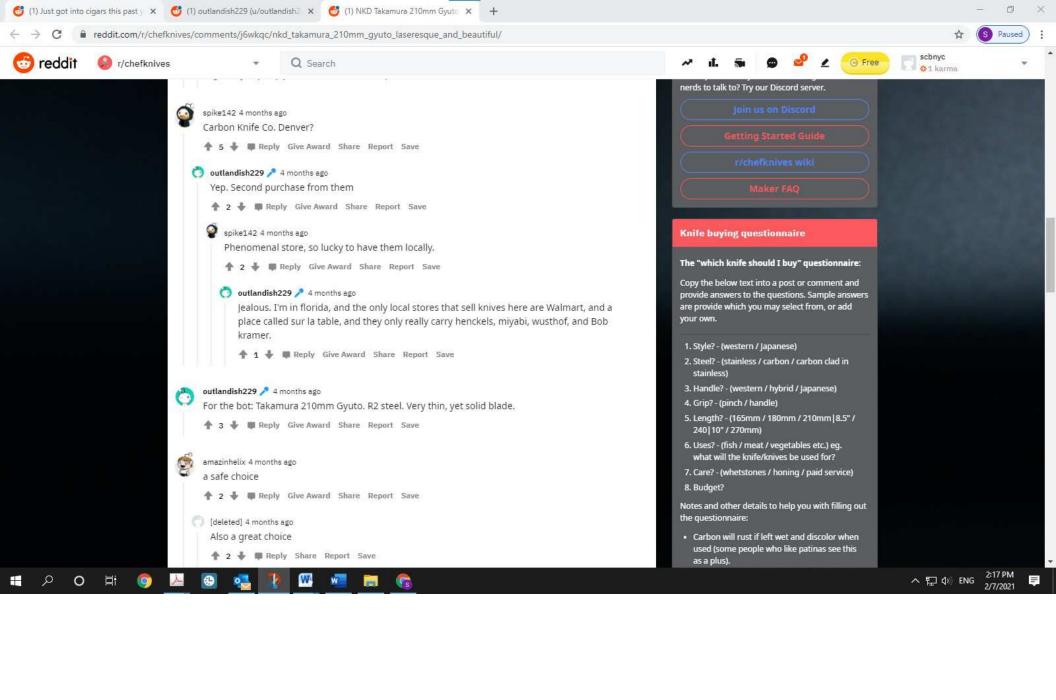


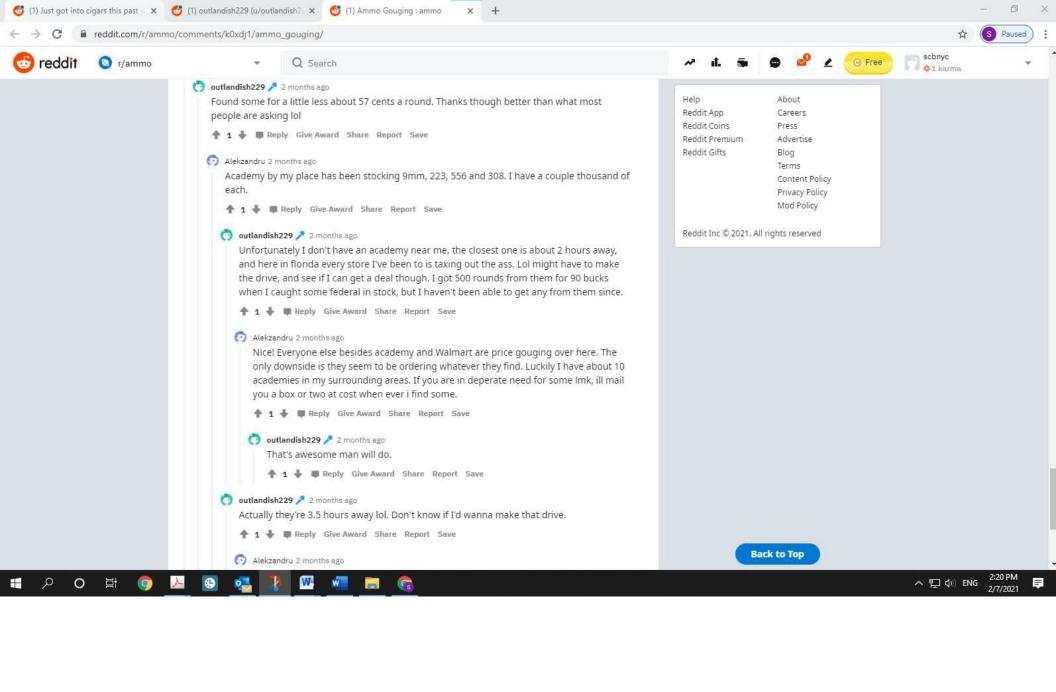




(1) Just got into cigars this past year, and my girlfriend bought me a beautiful case elegance humidor for christmas: cigars





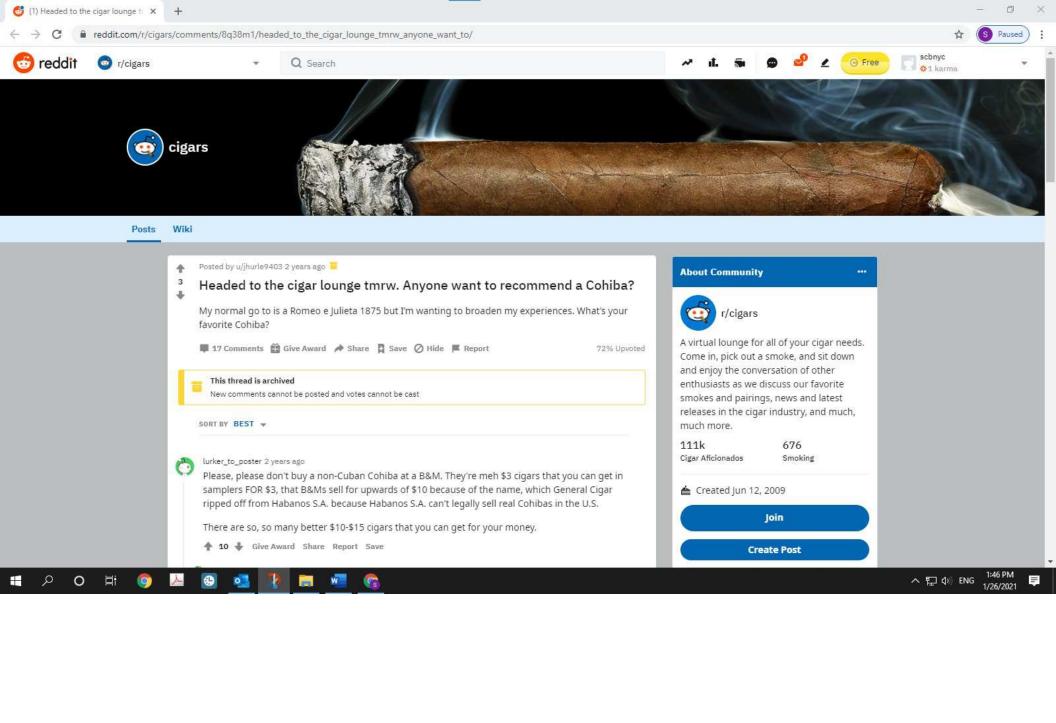


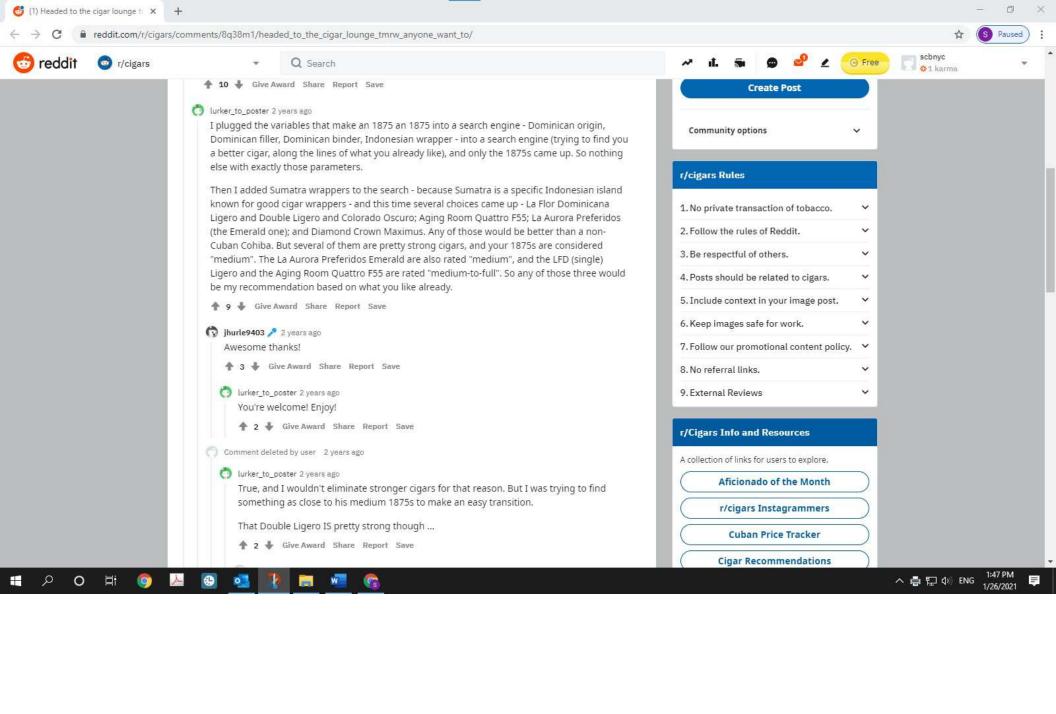
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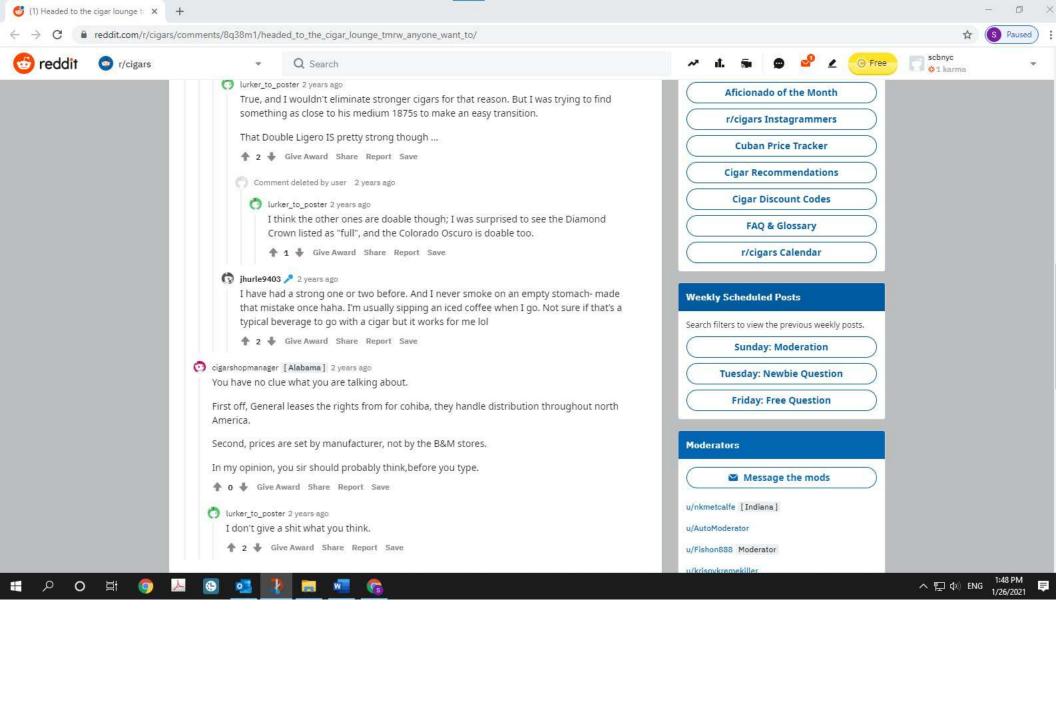
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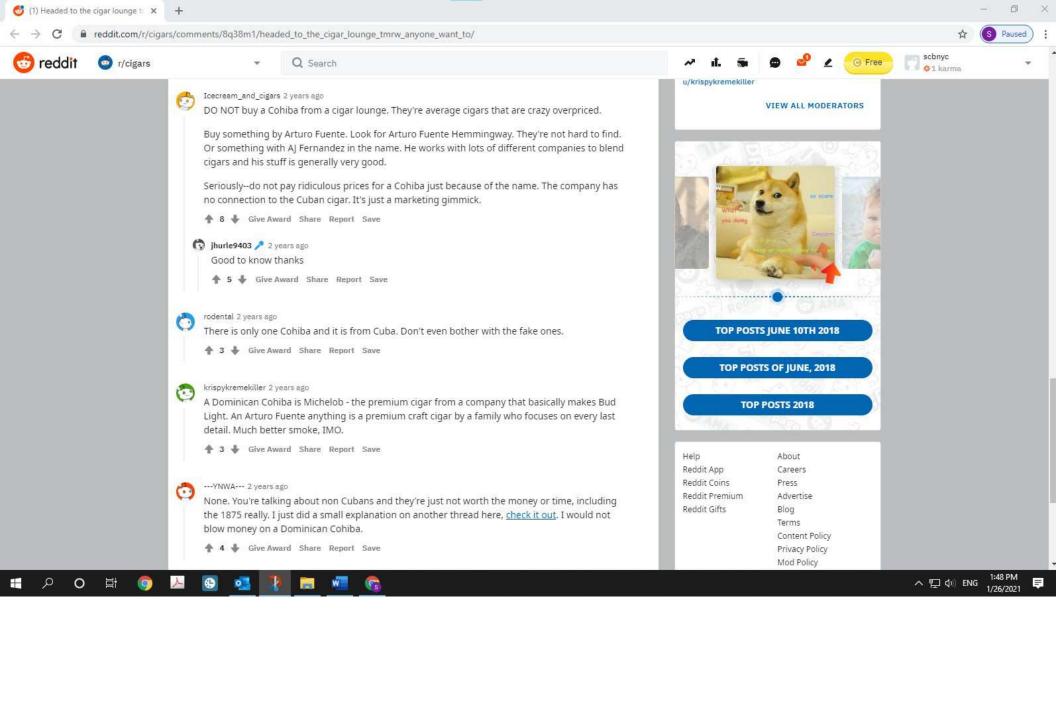
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GENERAL CIGAR CO., INC. and CULBRO CORP.		:	
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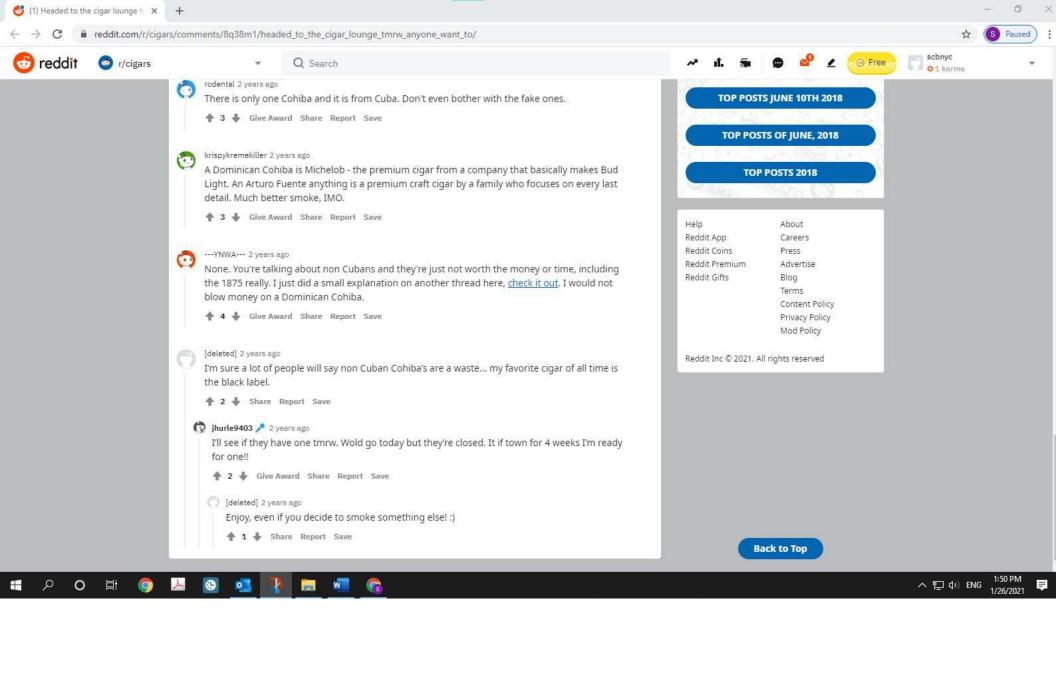
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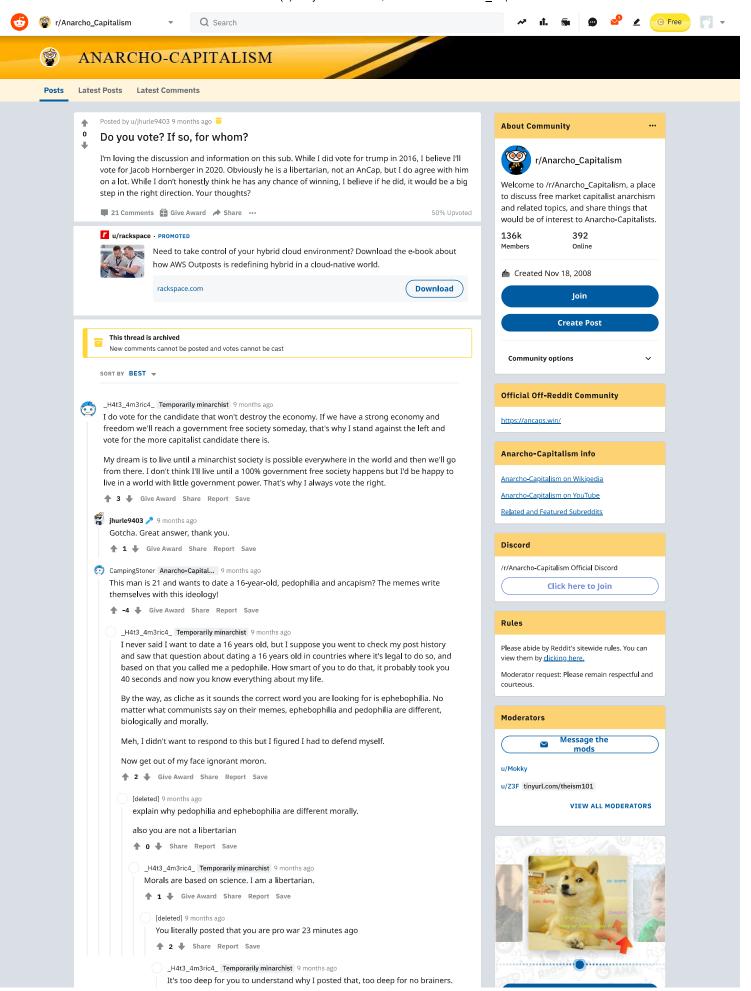


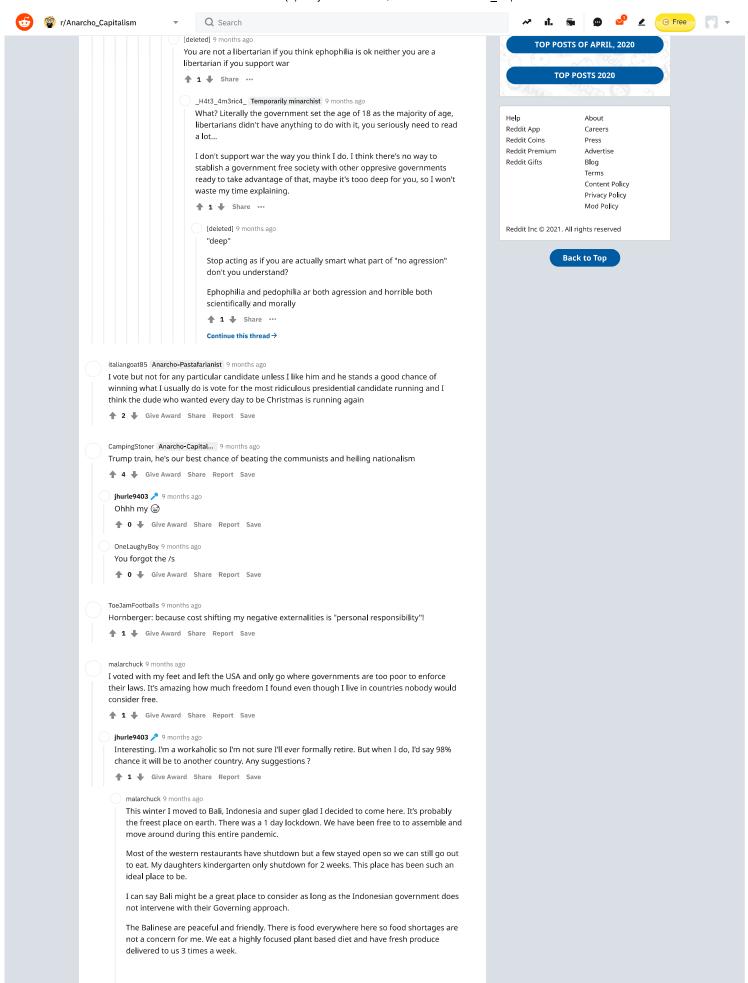


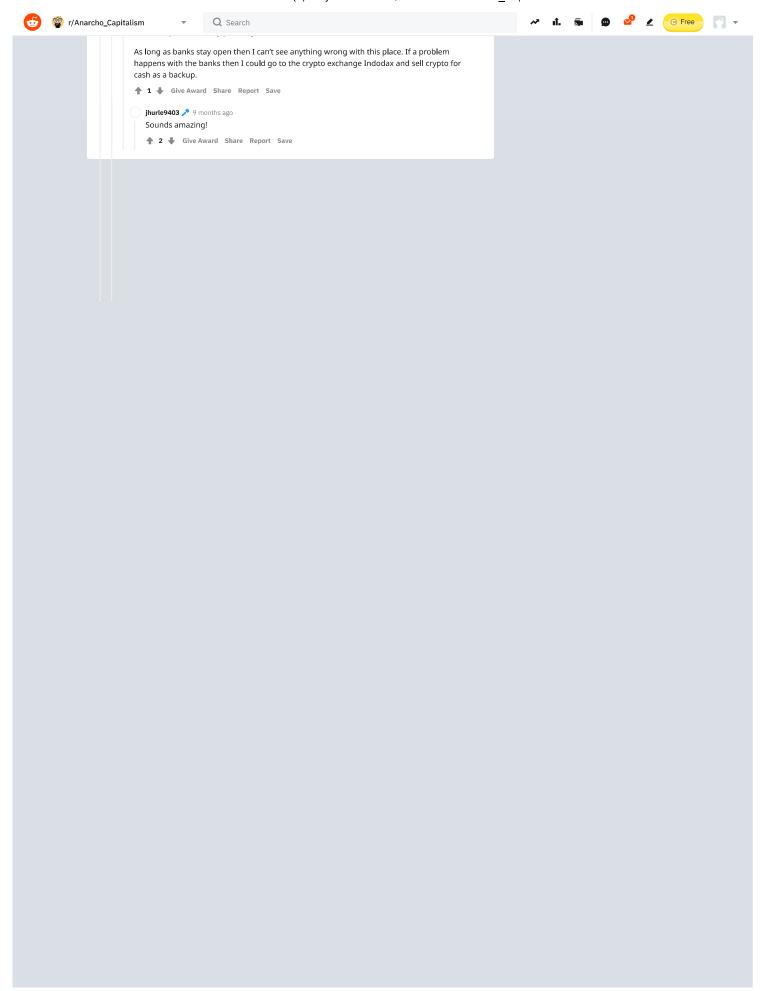


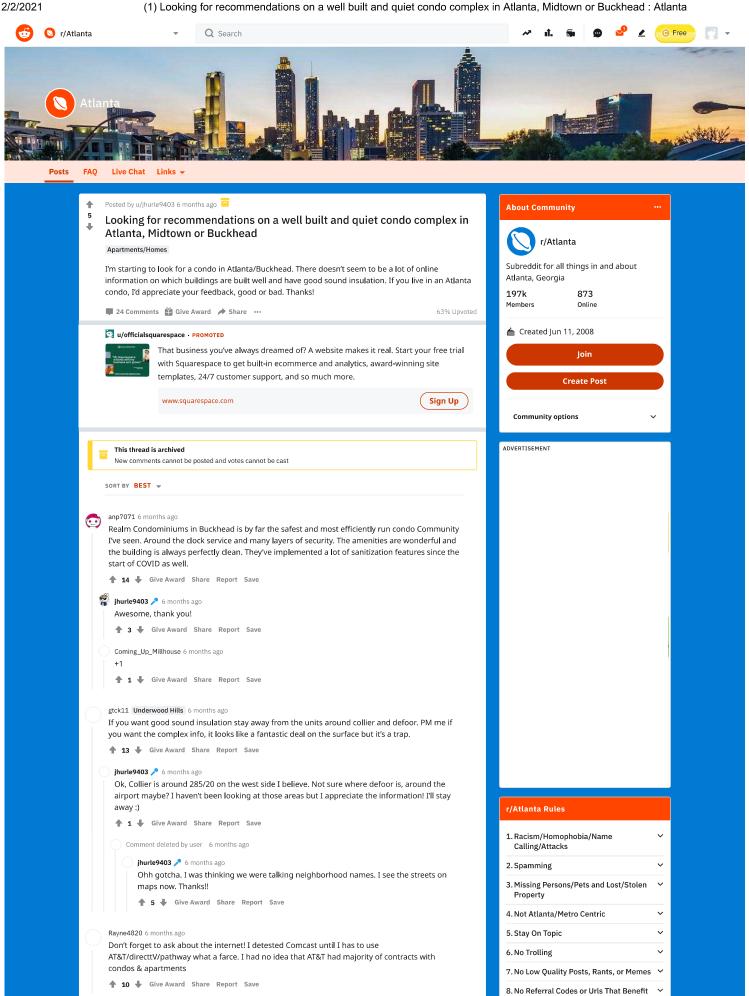


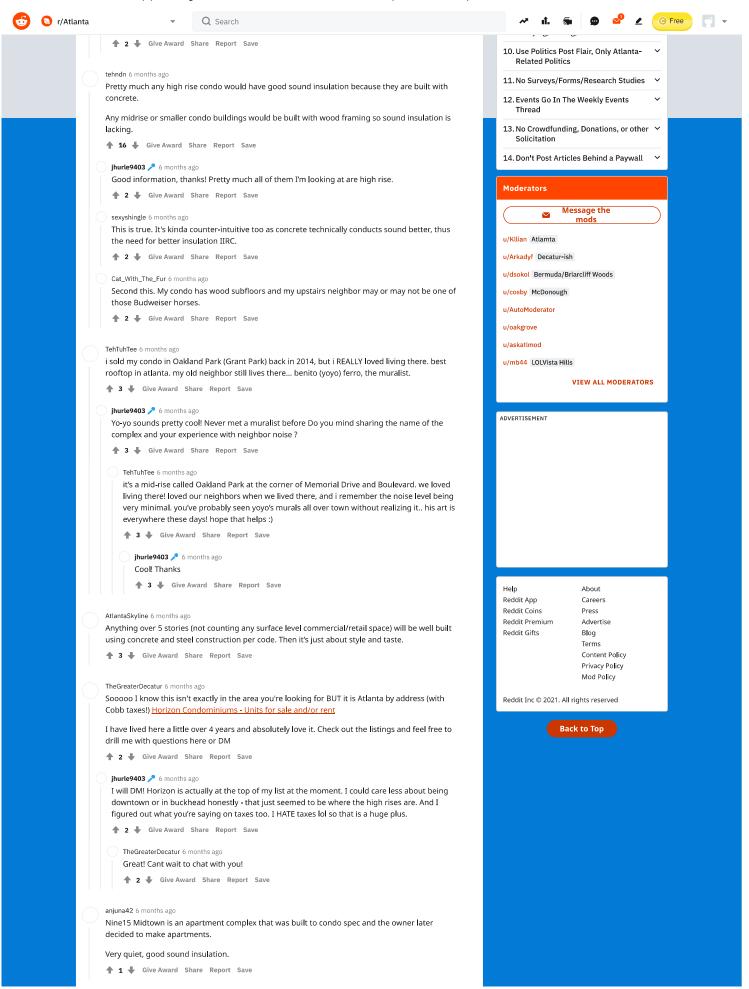


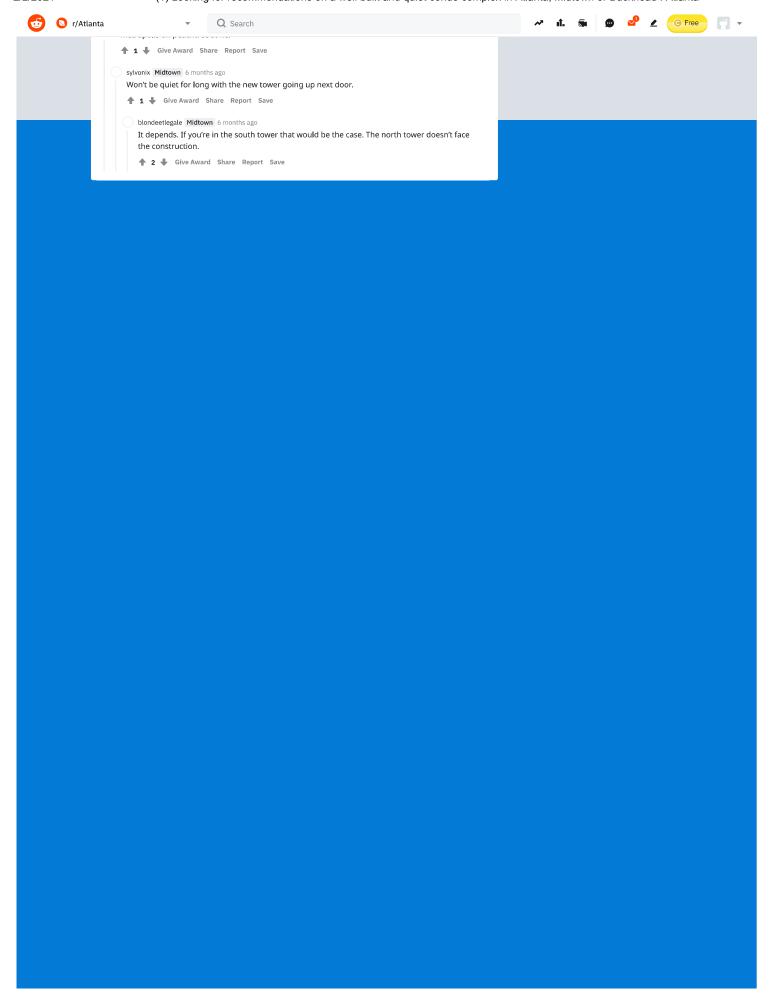


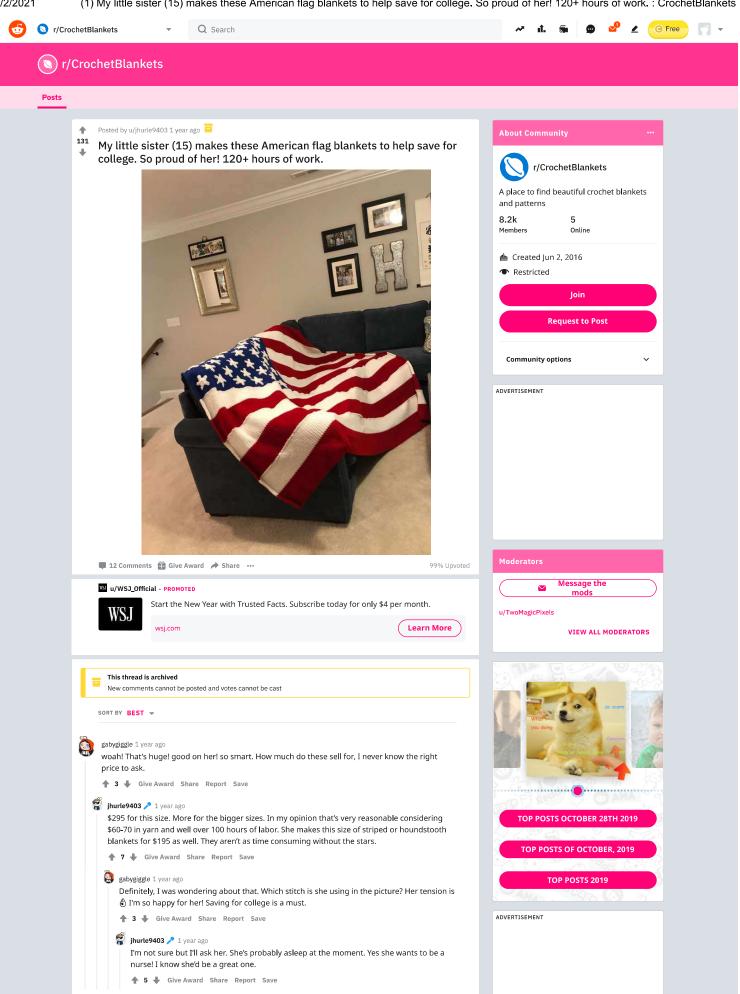


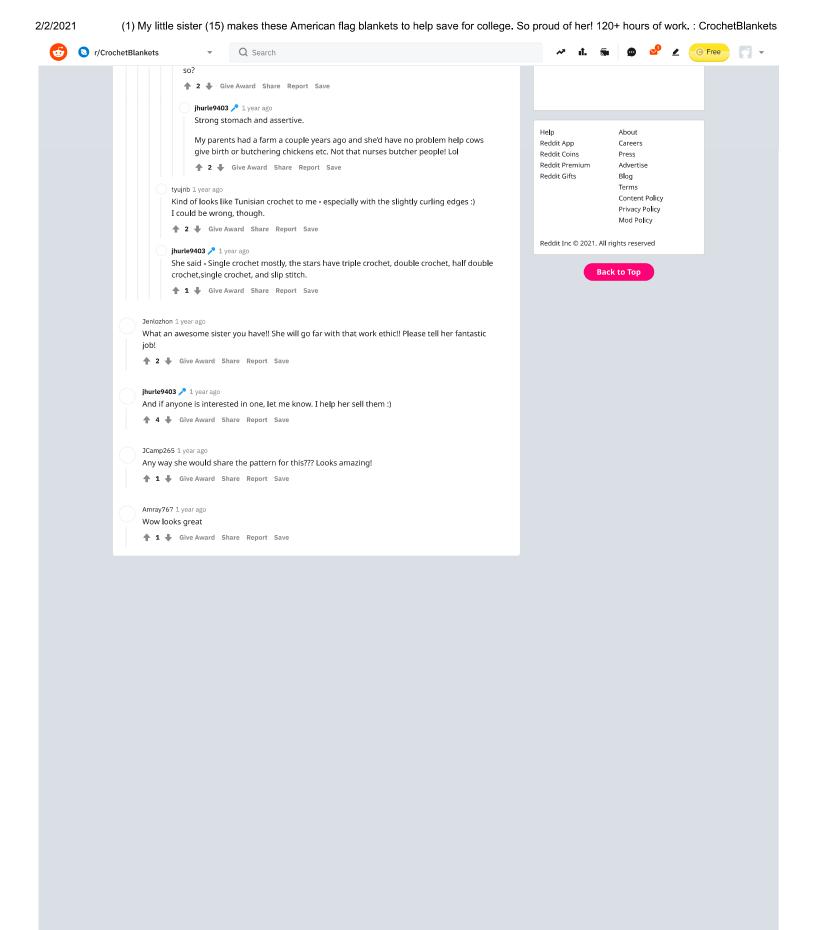












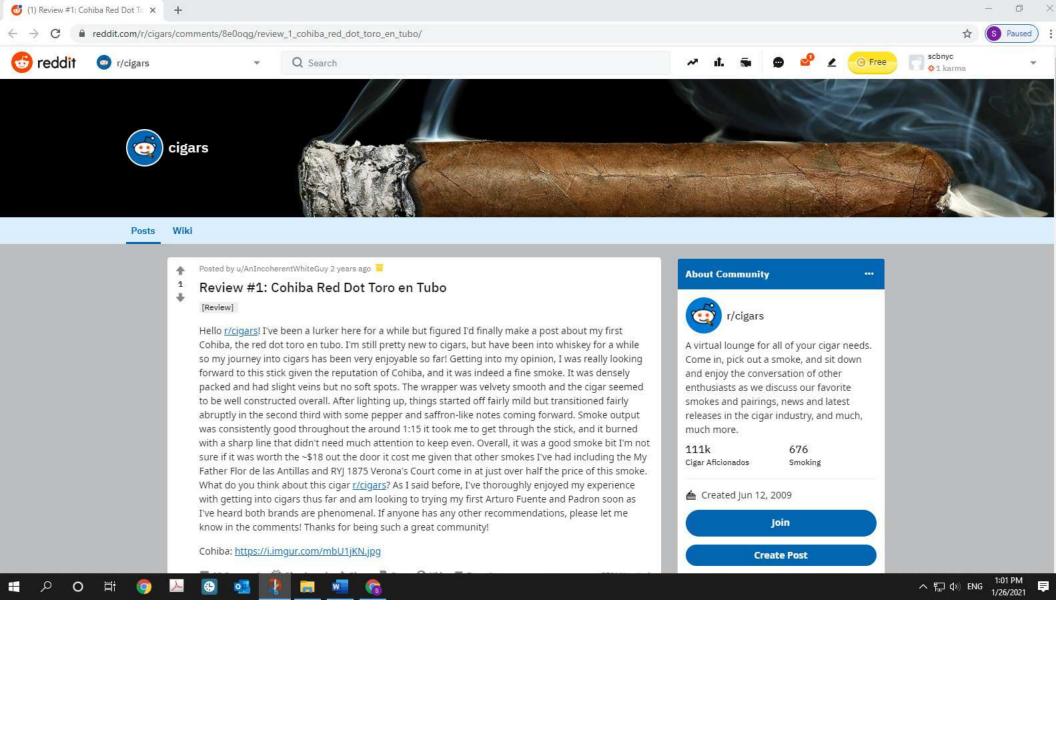
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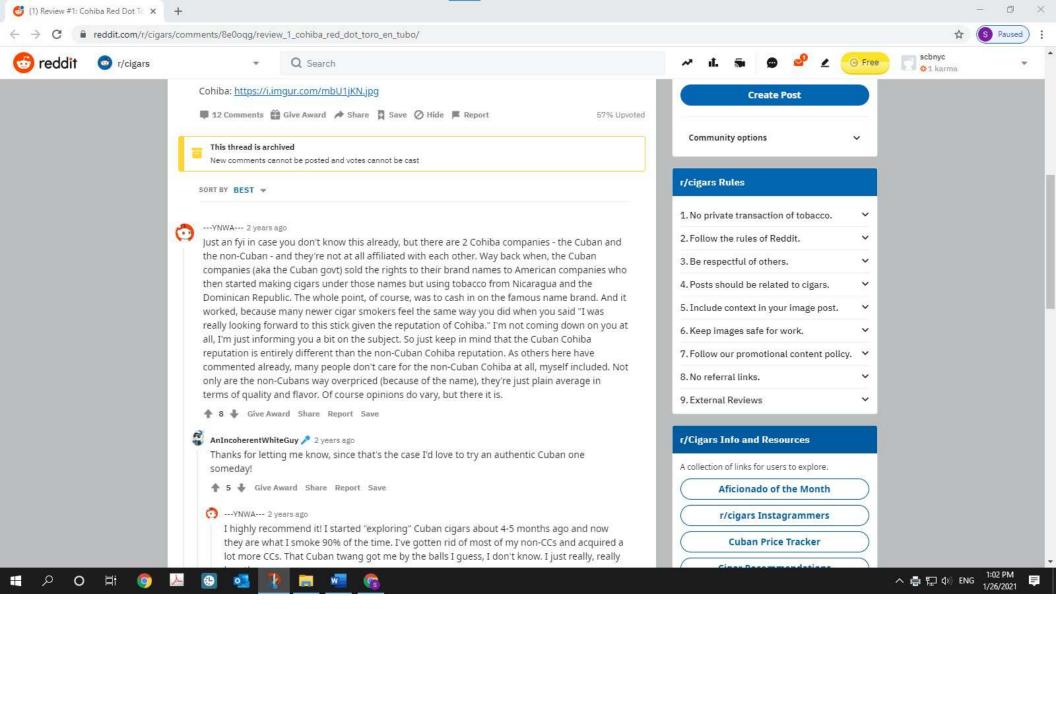
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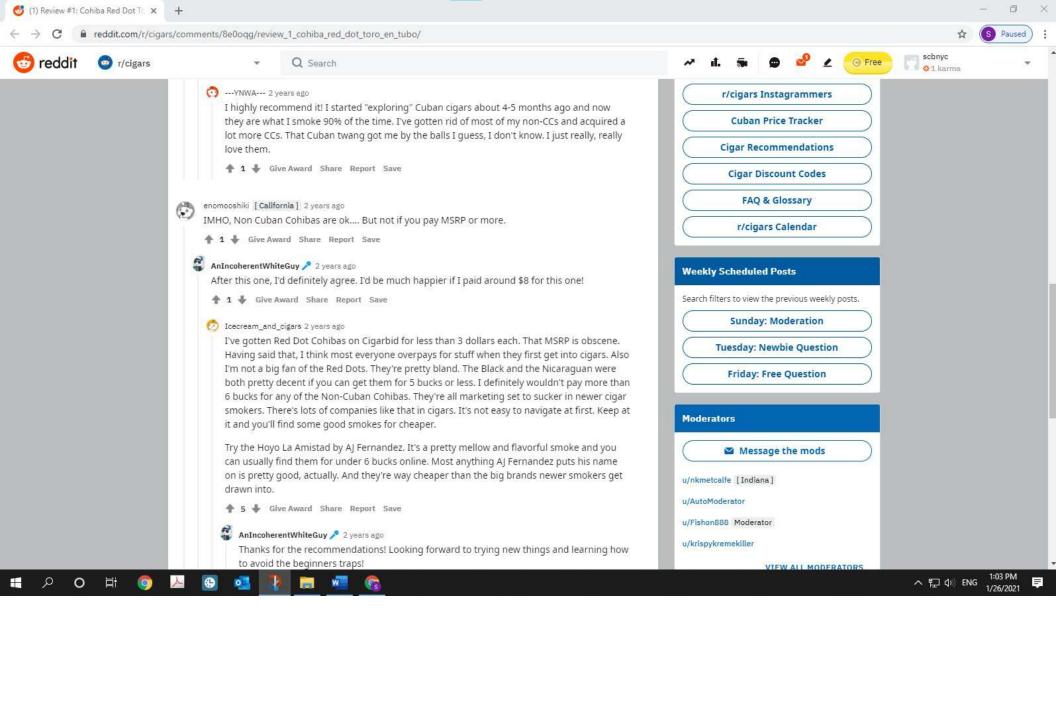
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	Respondents.	: :	
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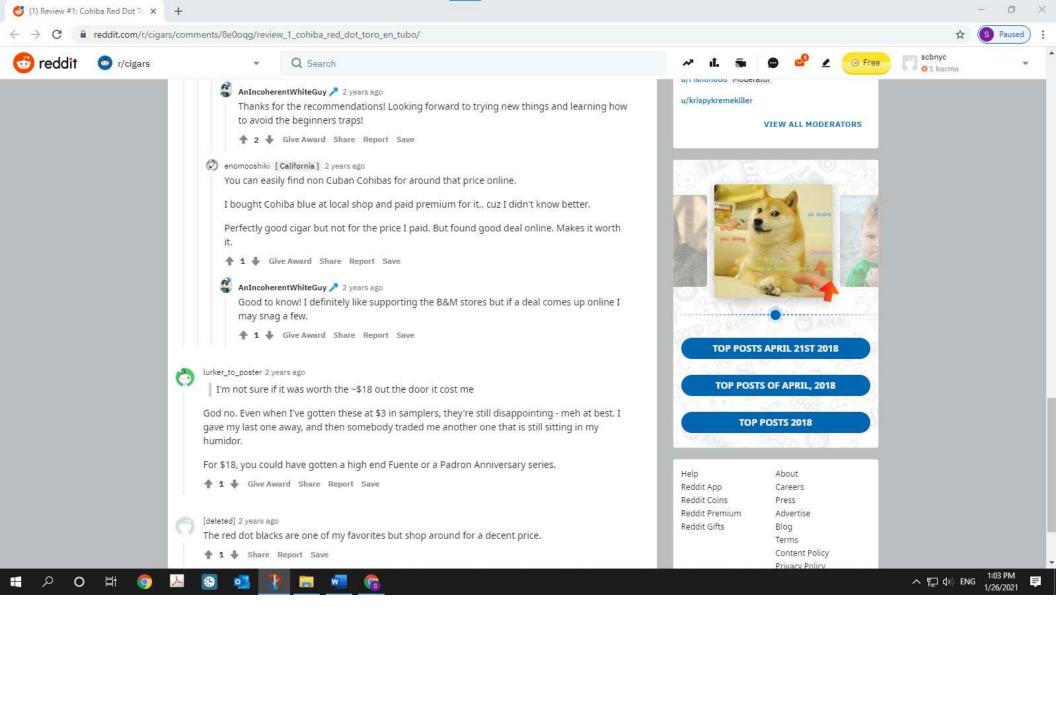
#### SECOND DECLARATION OF SUSAN BAILEY

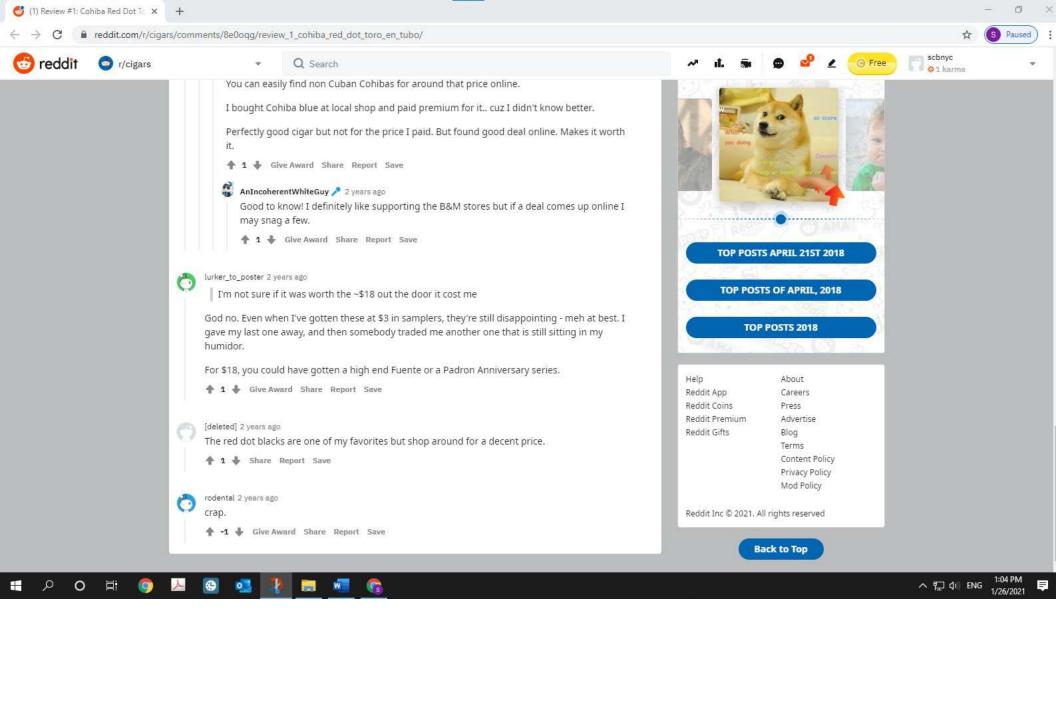
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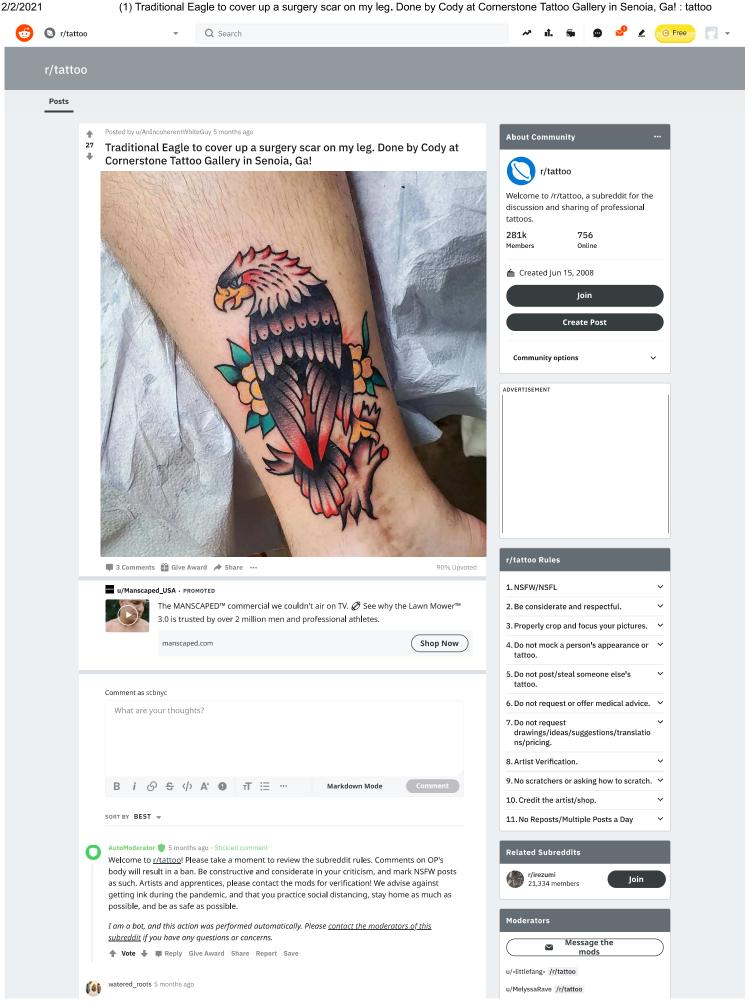




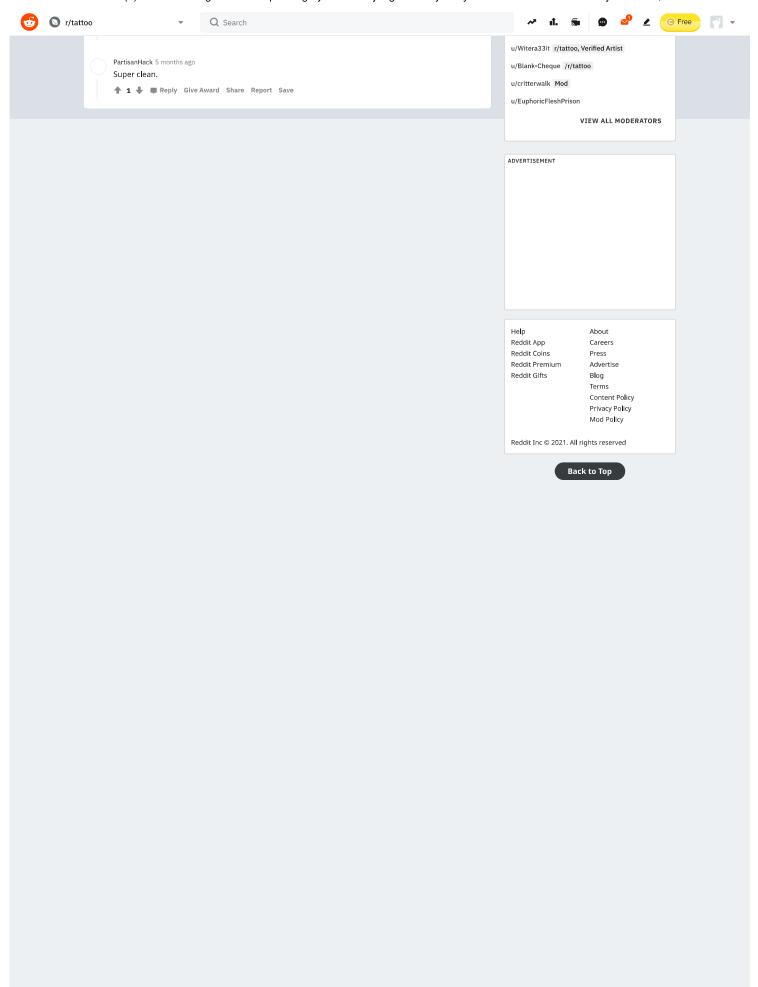


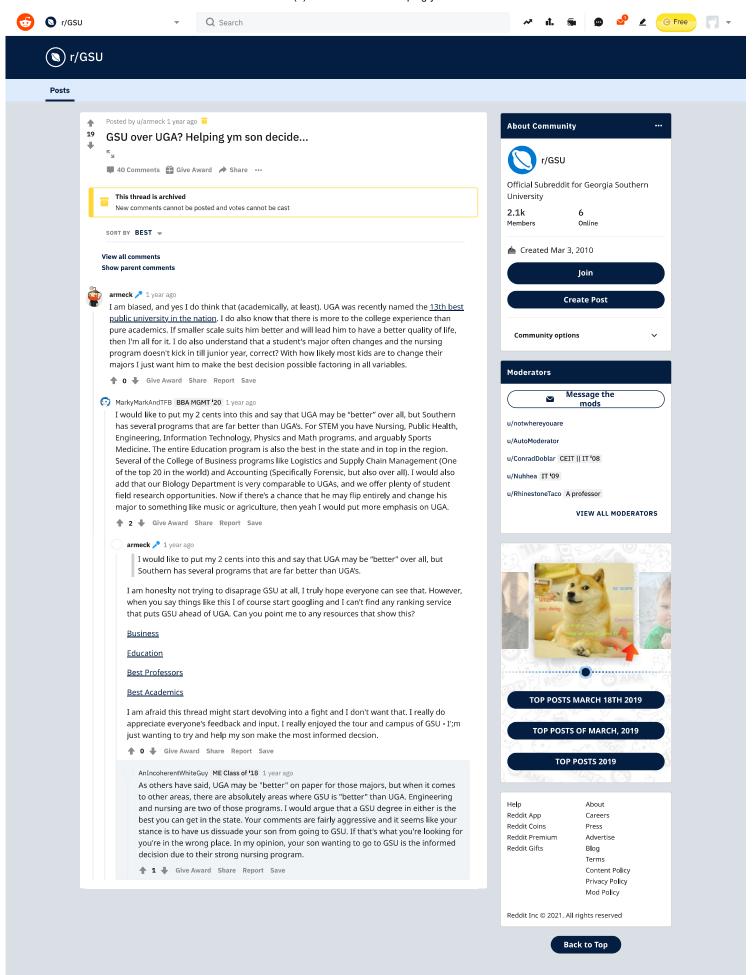






(1) Traditional Eagle to cover up a surgery scar on my leg. Done by Cody at Cornerstone Tattoo Gallery in Senoia, Ga!: tattoo



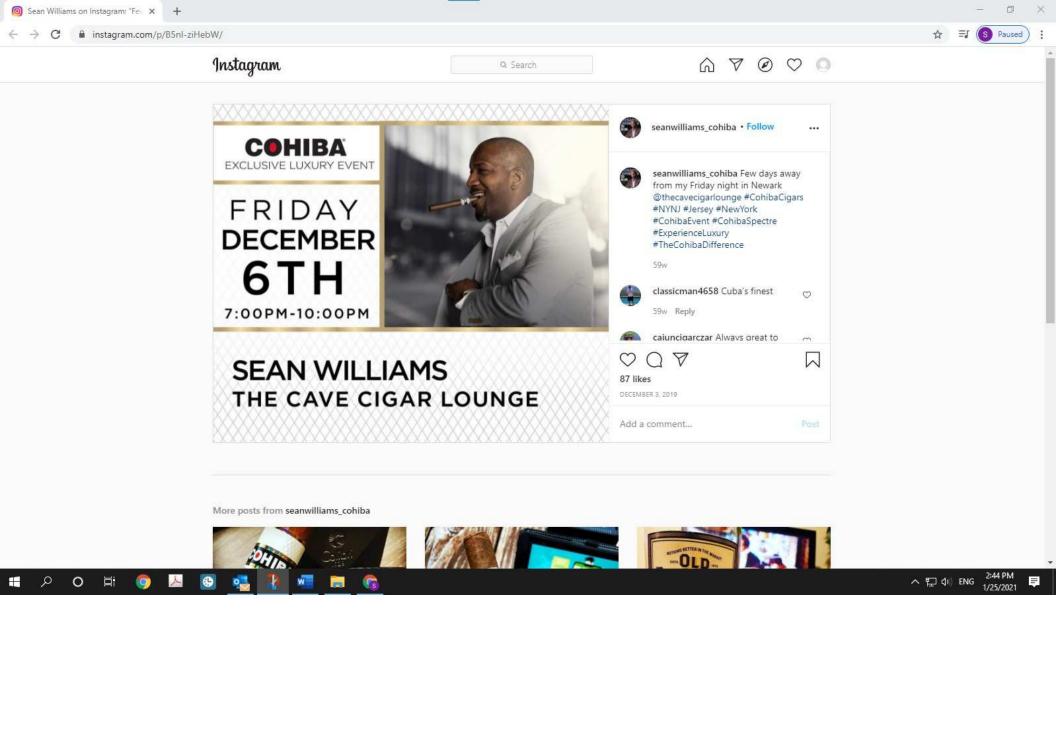


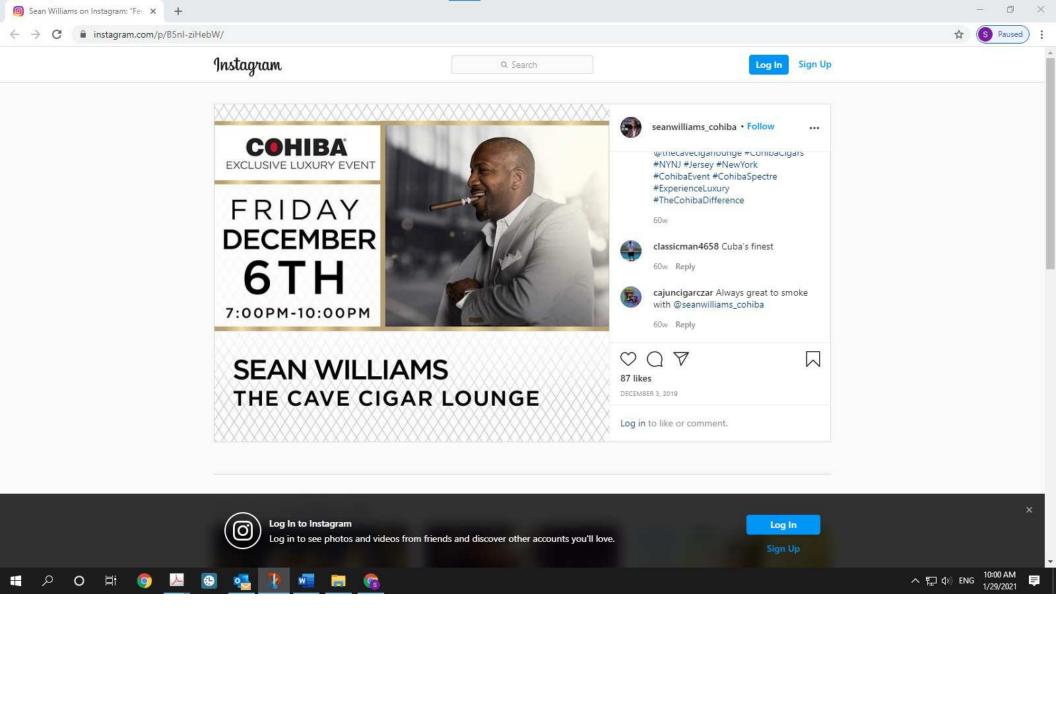
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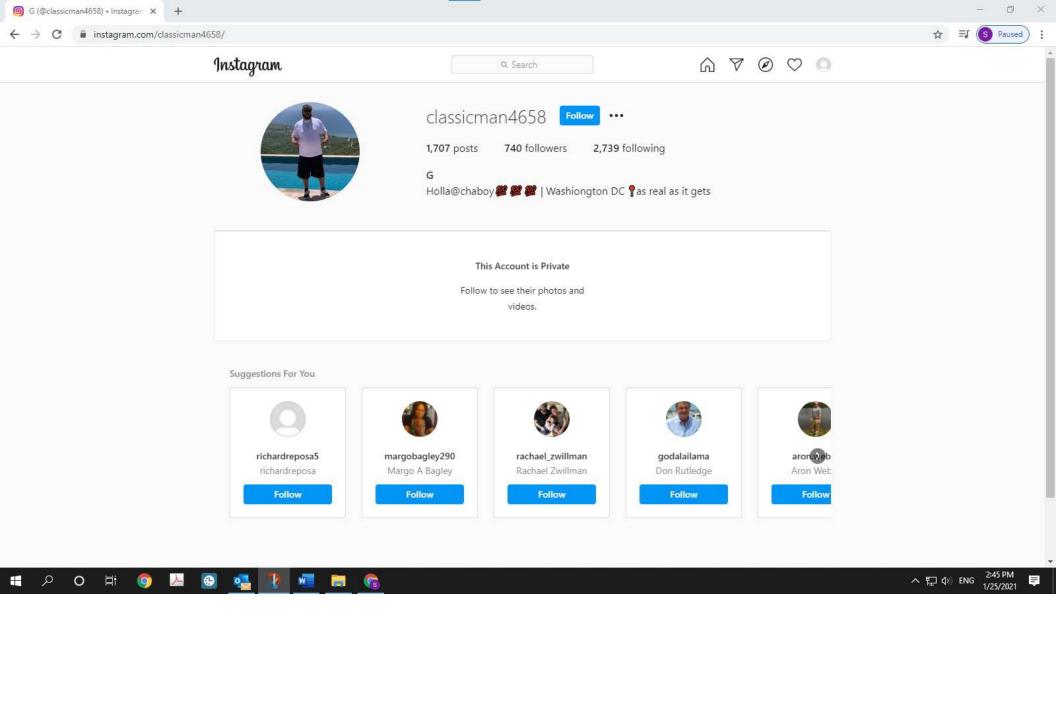
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# SECOND DECLARATION OF SUSAN BAILEY EXHIBIT 12





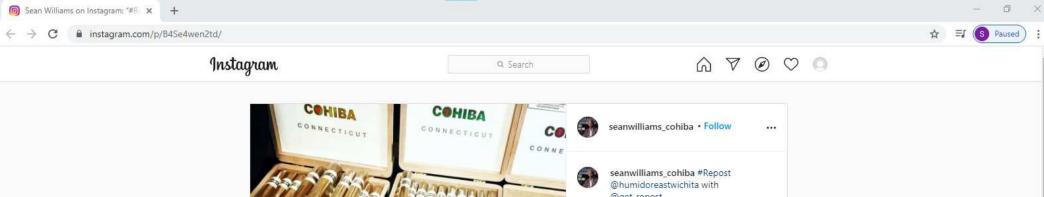


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For the mark COHIBA Date registered: June 6, 19			
EMPRESA CUBANA CUBATABACO,	DEL TABACO, d.b.a.	· X : :	
	Petitioner,	: :	Cancellation No. 92025859
	V.	:	
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## SECOND DECLARATION OF SUSAN BAILEY EXHIBIT 13







































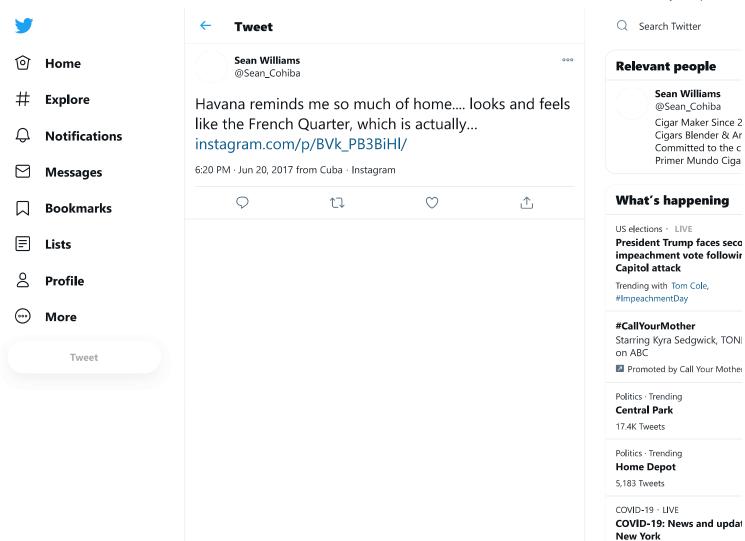
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	Petitioner,	:	Cancellation No. 92025859
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GENERAL CIGAR CO., INC. and CULBRO CORP.		:	
	Respondents.	: :	
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### SECOND DECLARATION OF SUSAN BAILEY

**EXHIBIT 14** 



Michael Krinsky @MichaelKrinsky3 Show more

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## Instagram

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seanwilliams\_cohiba Havana reminds me so much of home.... looks and feels like the French Quarter, which is actually more Spanish influence than French... in NOLA we even bury our people the same way thanks to the Spanish... #Criollo #Cuba #Creole #NOLA #Caribbean #Culture

186w









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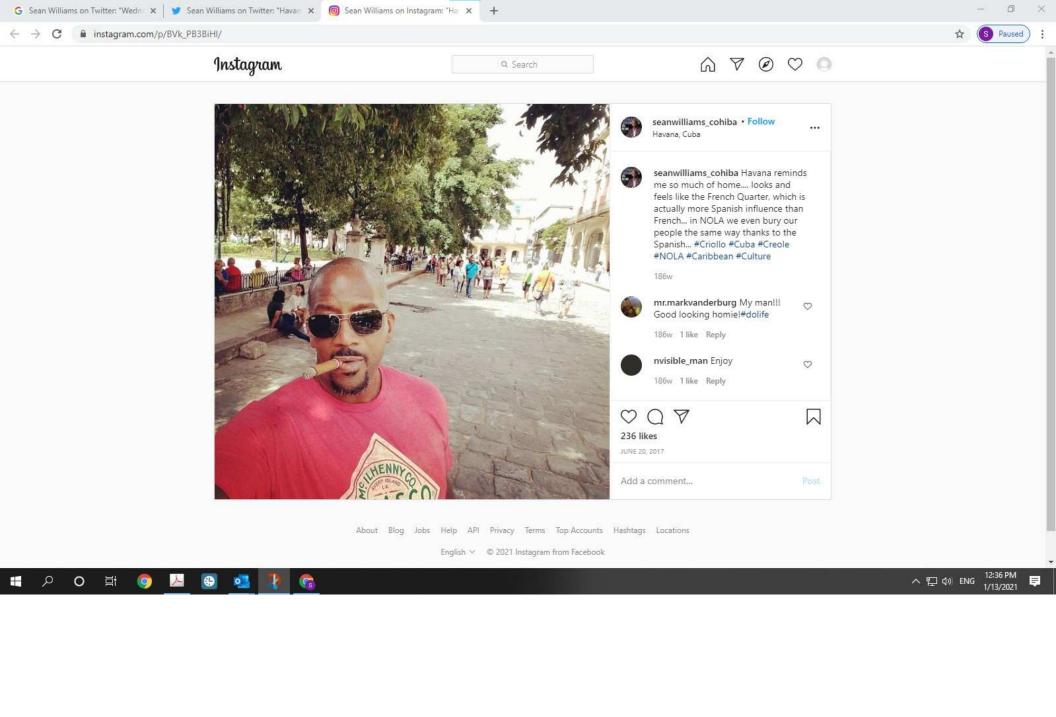


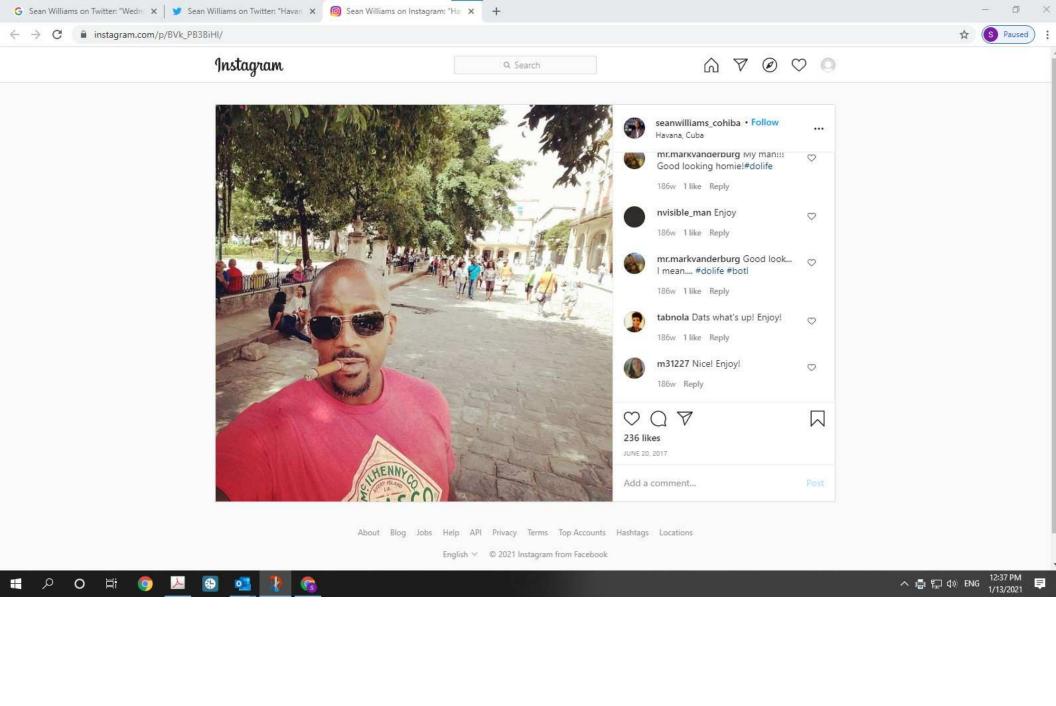












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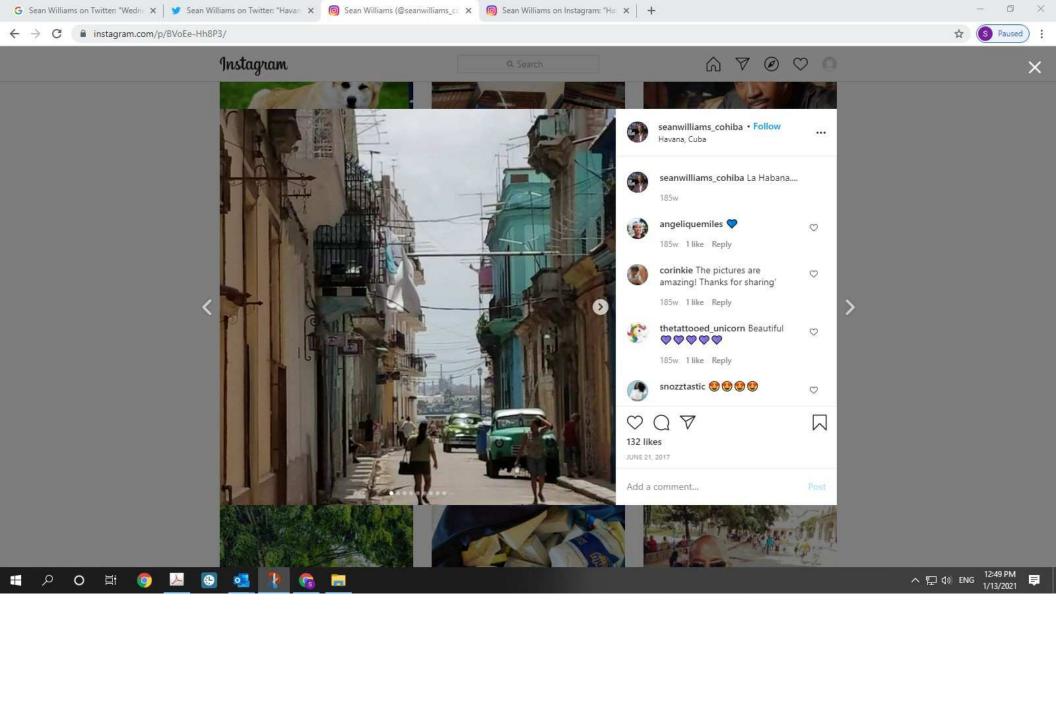


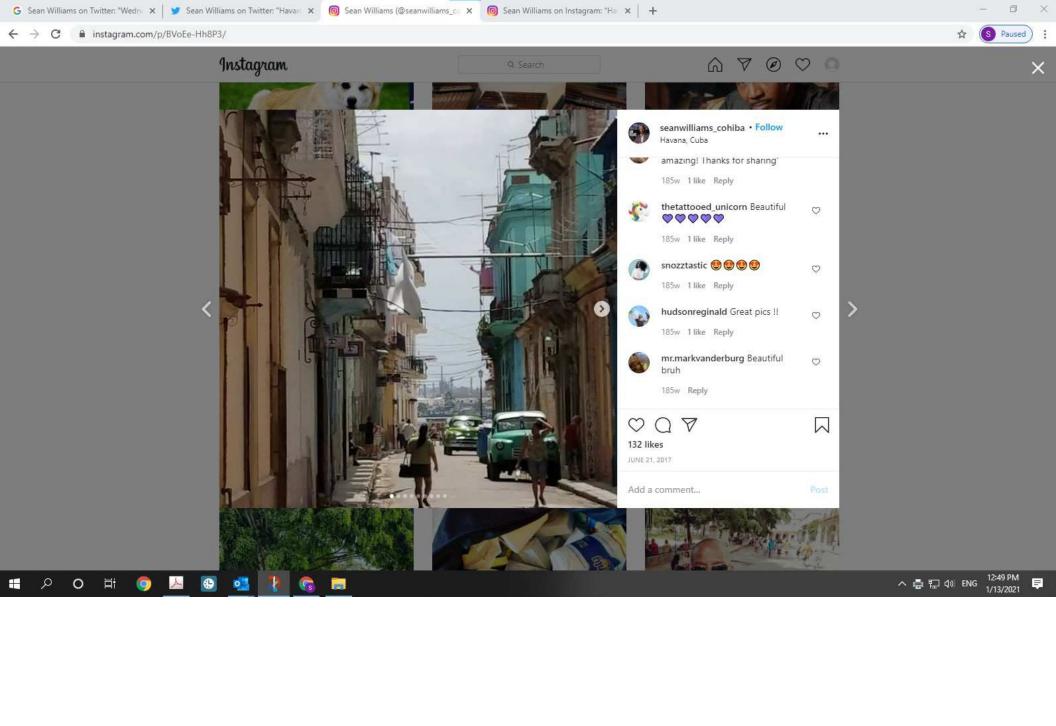


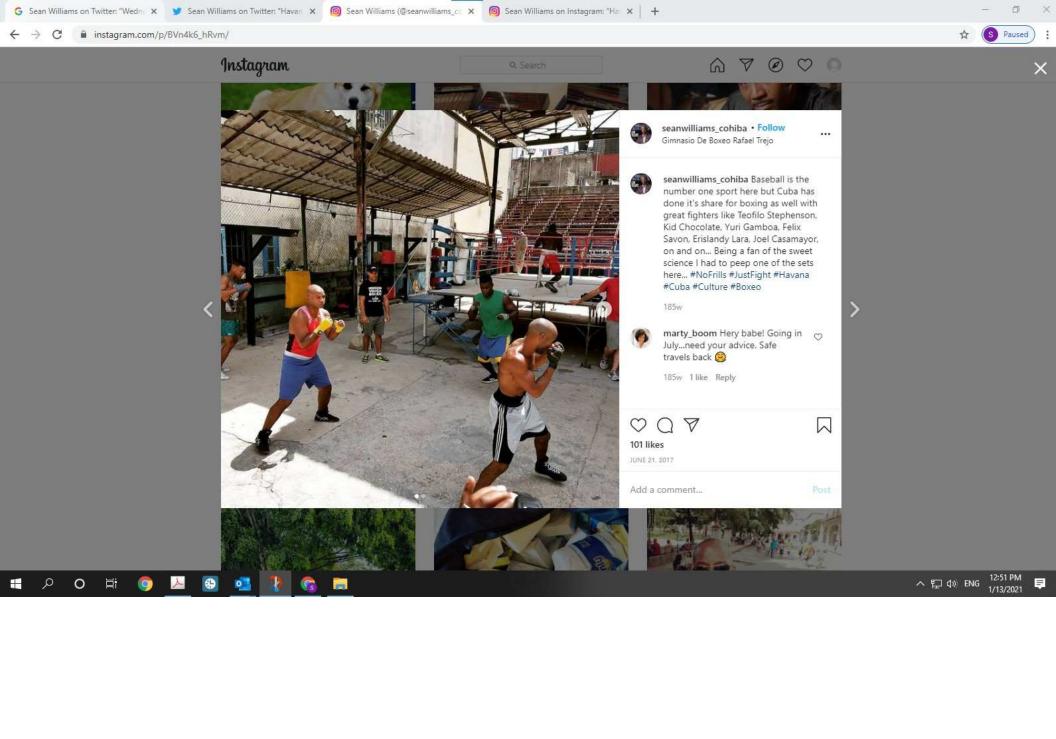
**Ⅲ** POSTS

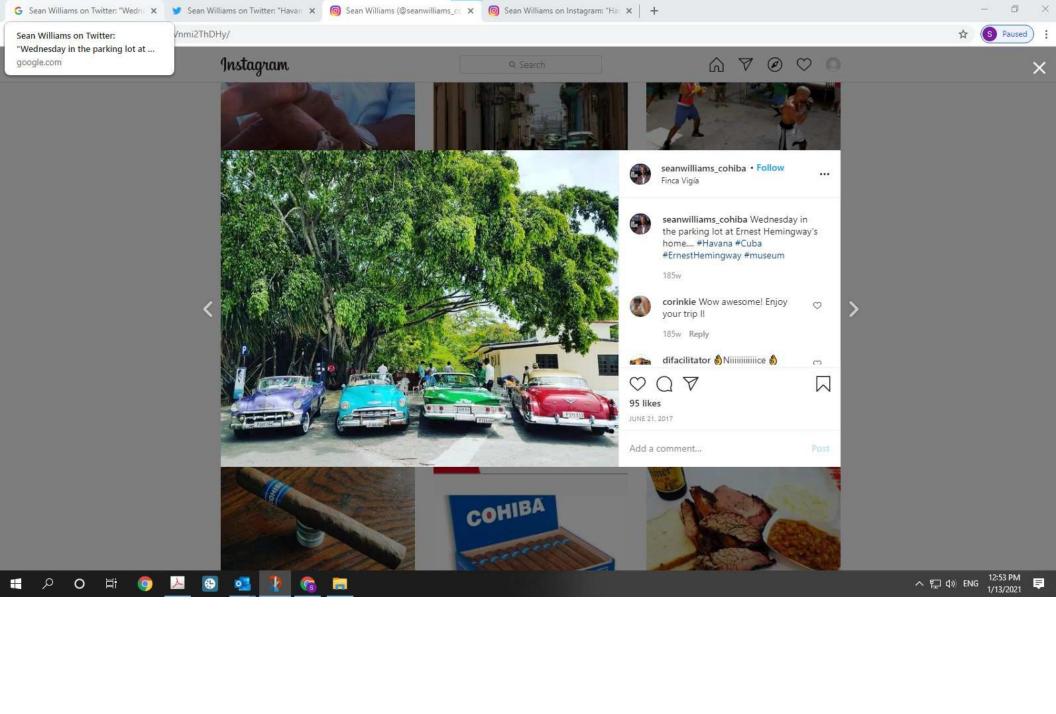
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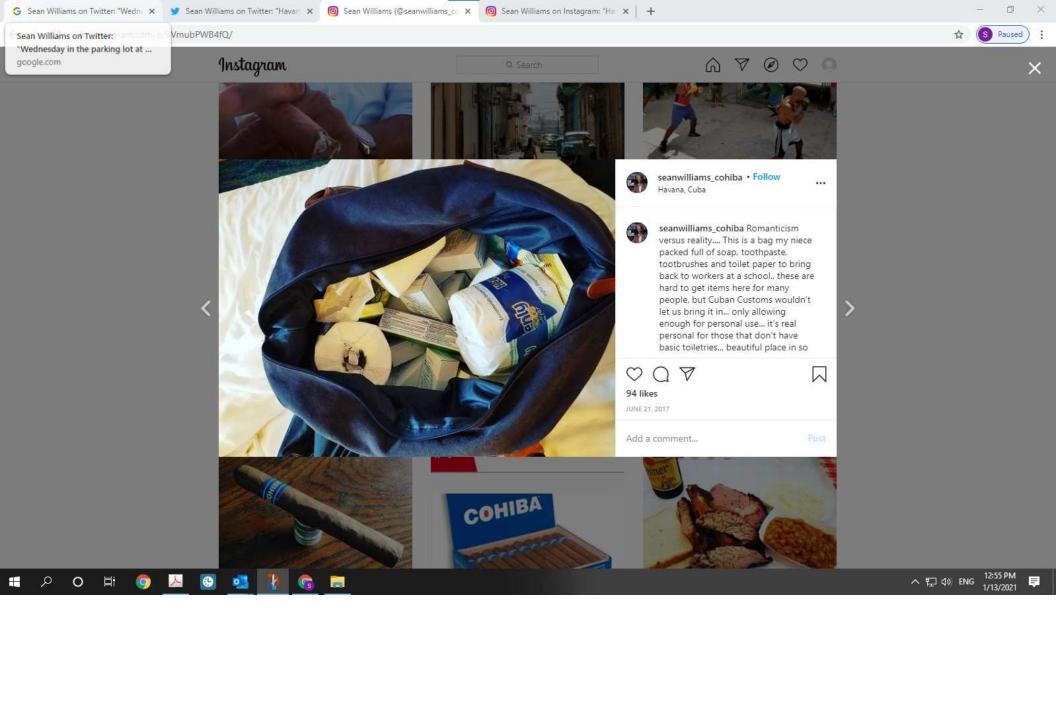
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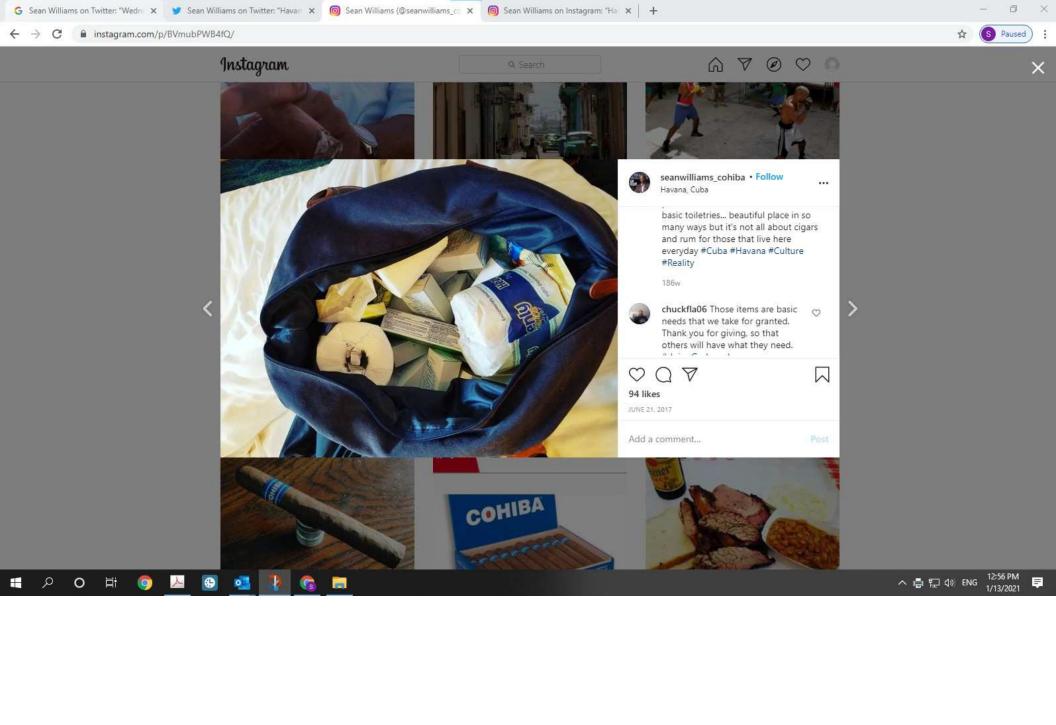


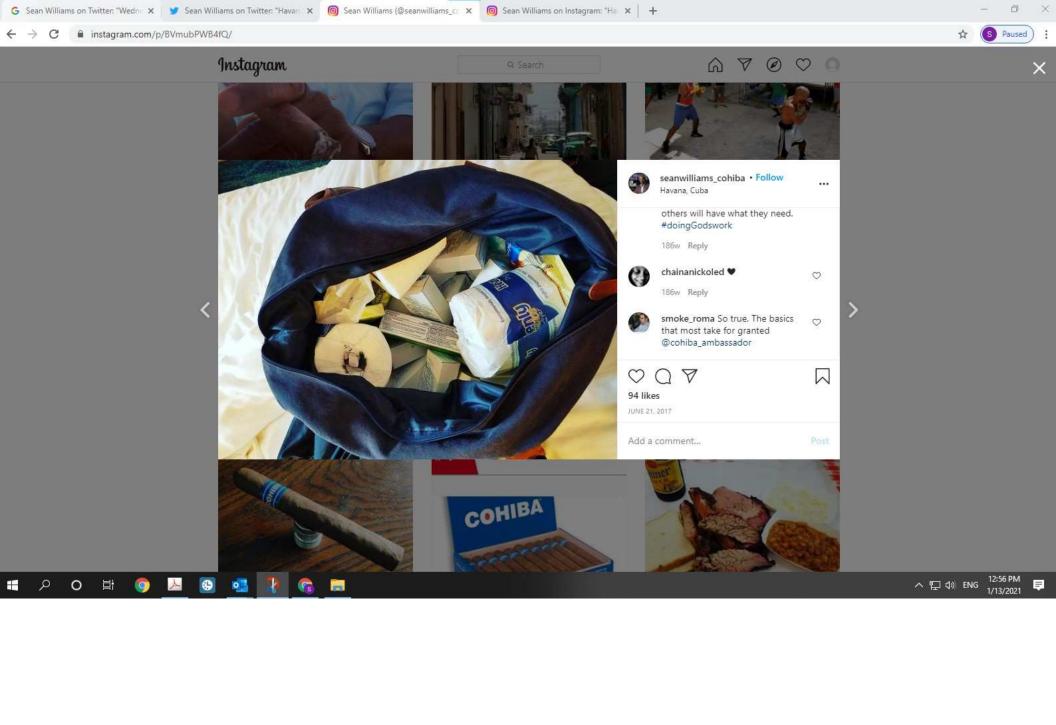


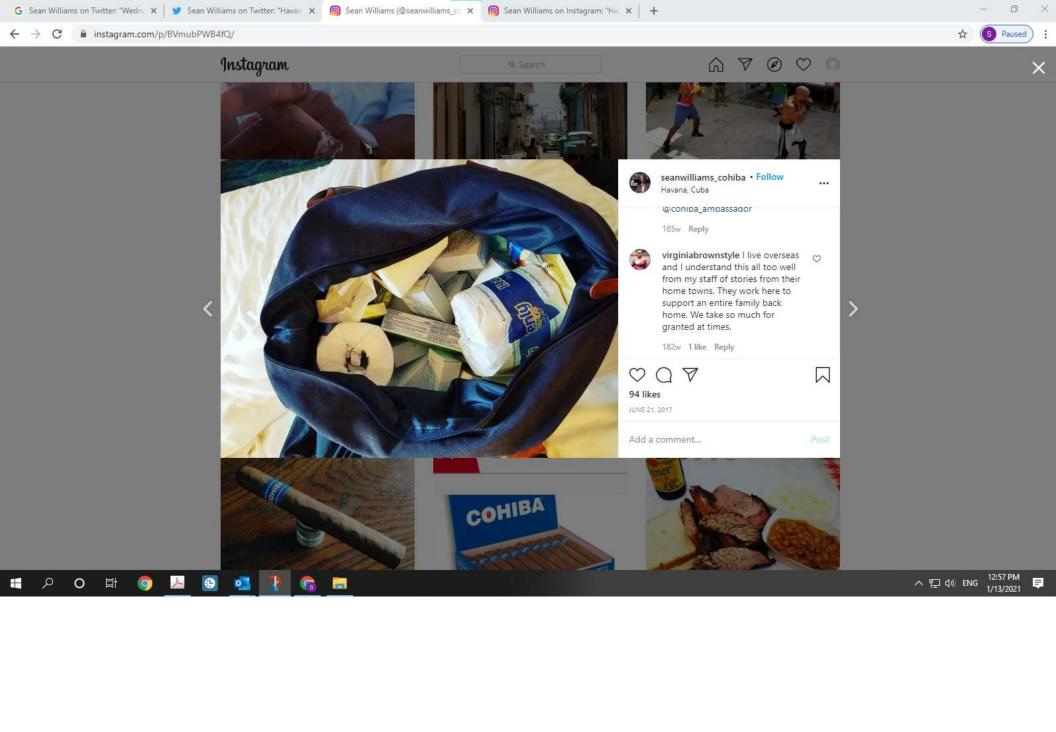


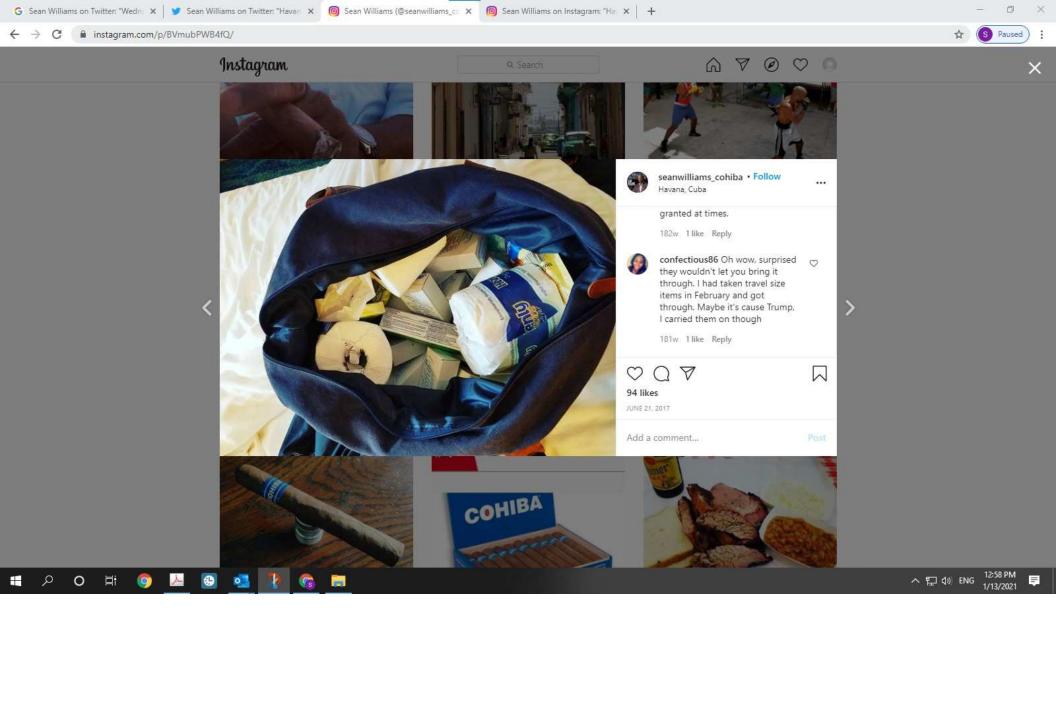


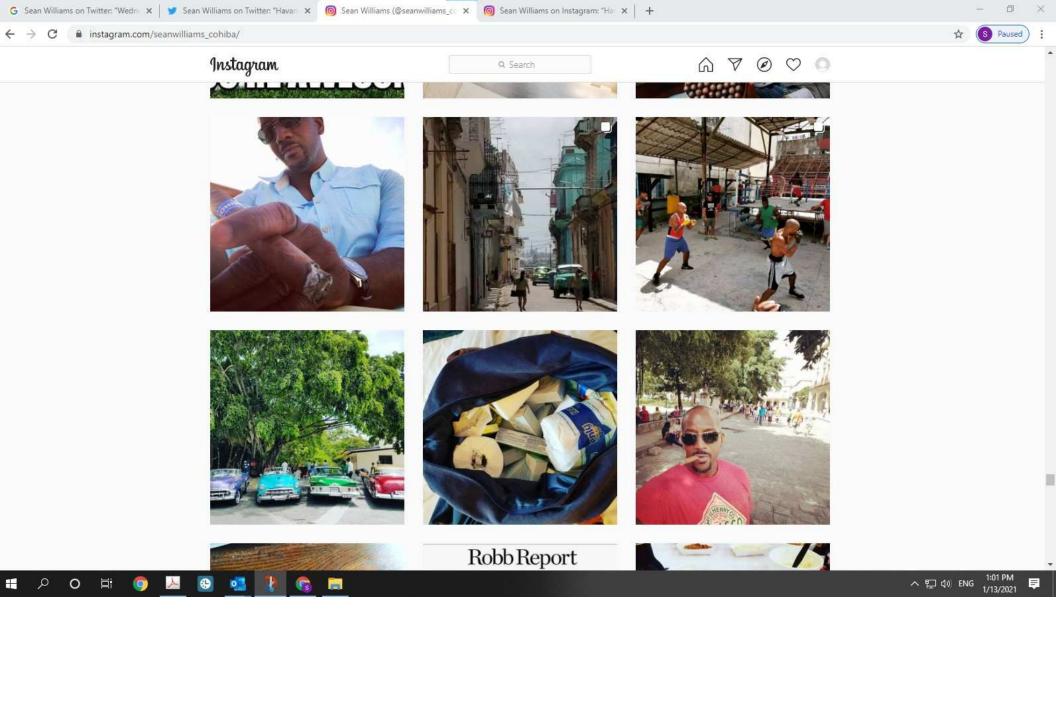










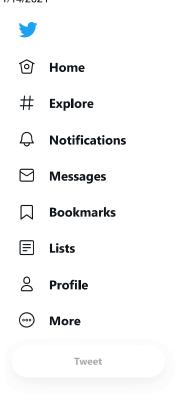


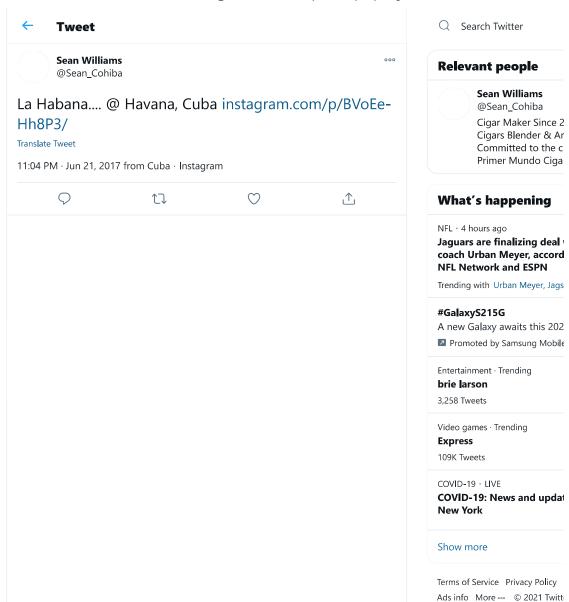
In the matter of Trademark Registration No. 1147309 For the mark COHIBA Date registered: February 17, 1981

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# SECOND DECLARATION OF SUSAN BAILEY EXHIBIT 15





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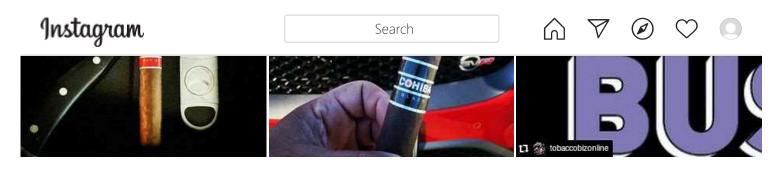


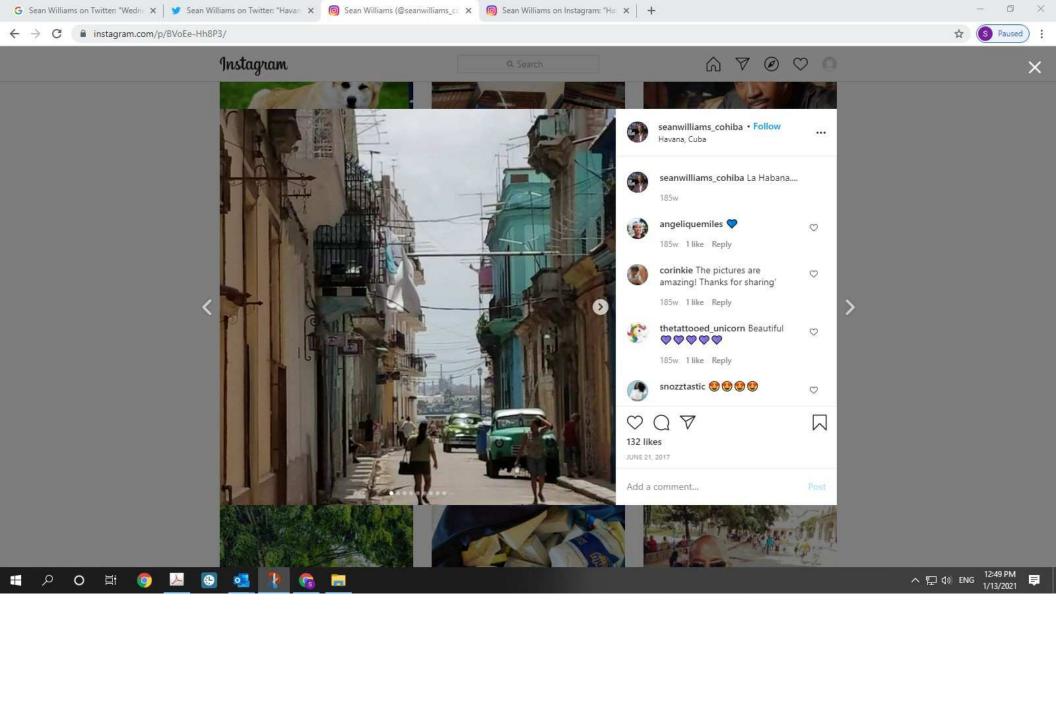


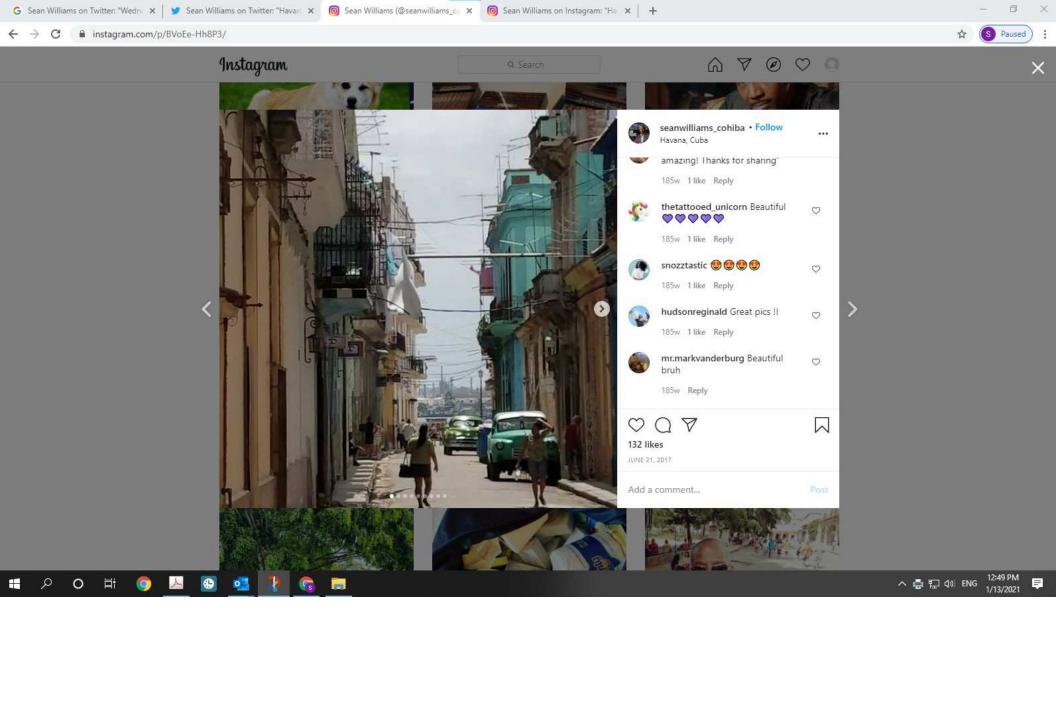


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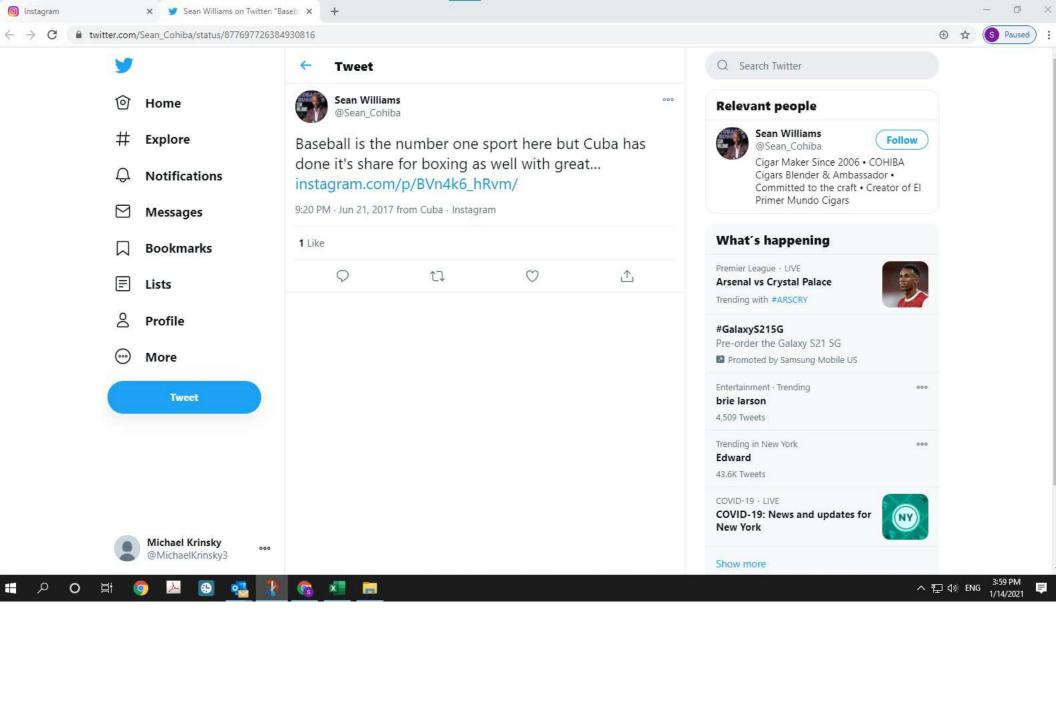


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# SECOND DECLARATION OF SUSAN BAILEY EXHIBIT 16



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seanwilliams\_cohiba Baseball is the number one sport here but Cuba has done it's share for boxing as well with great fighters like Teofilo Stephenson, Kid Chocolate, Yuri Gamboa, Felix Savon, Erislandy Lara, Joel Casamayor, on and on... Being a fan of the sweet science I had to peep one of the sets here... #NoFrills #JustFight #Havana #Cuba #Culture #Boxeo









101 likes

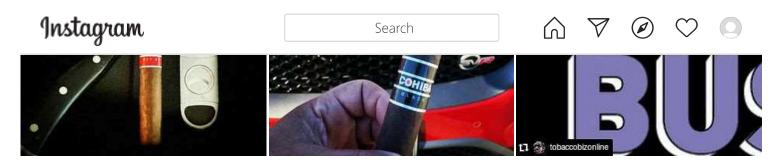
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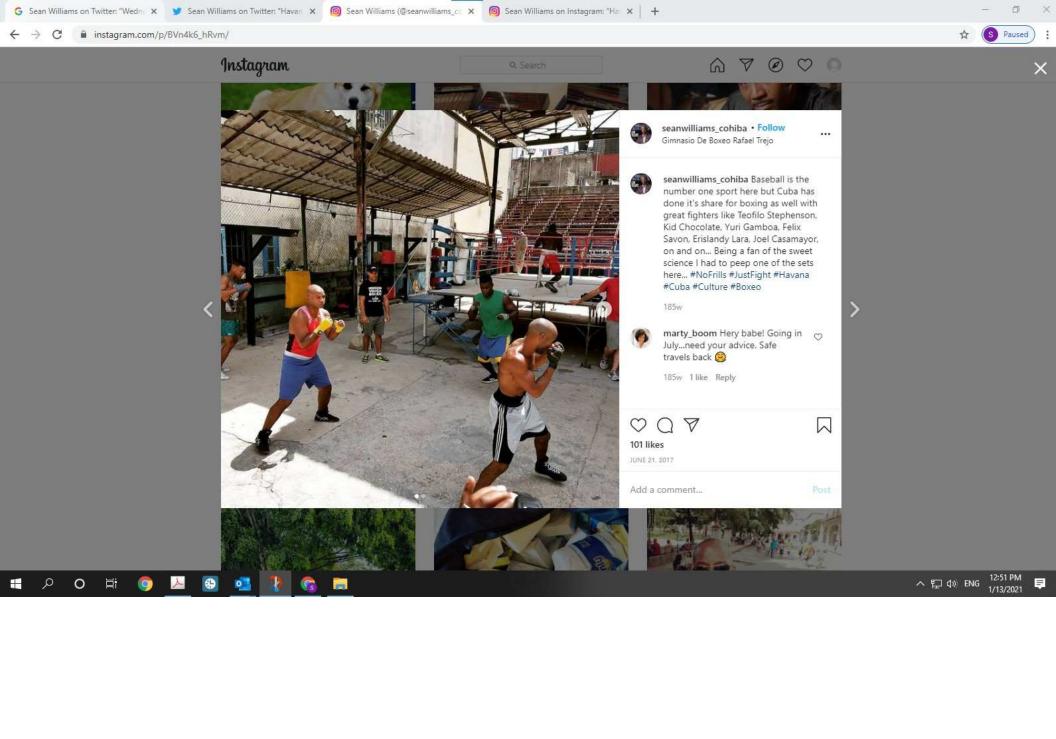
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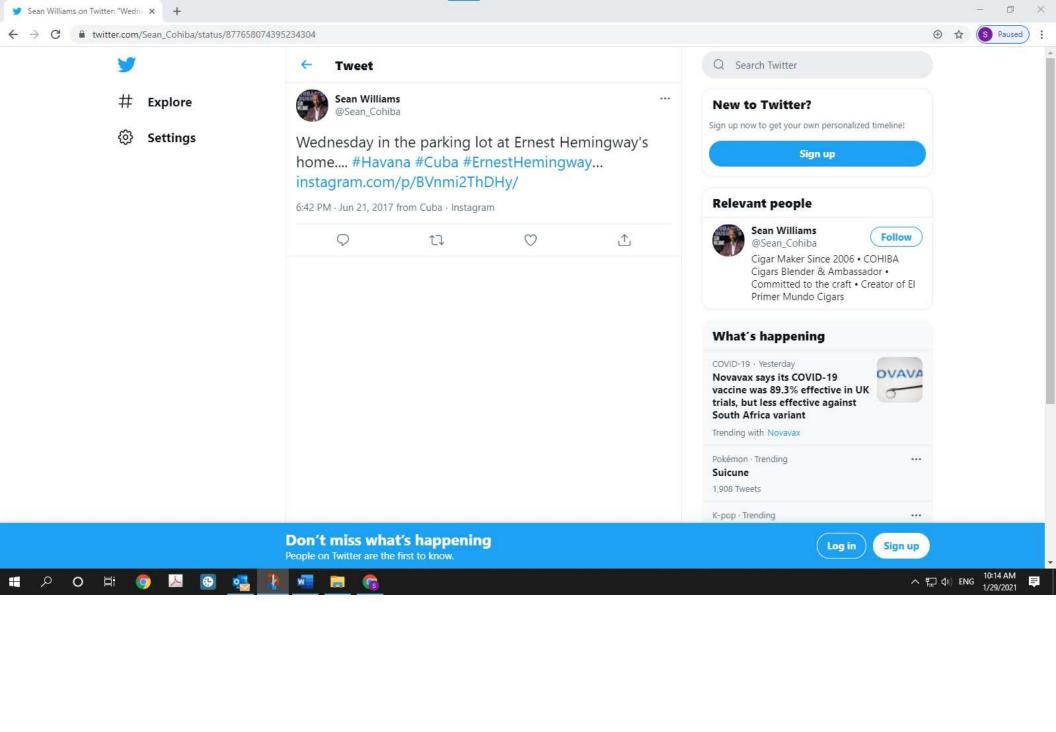
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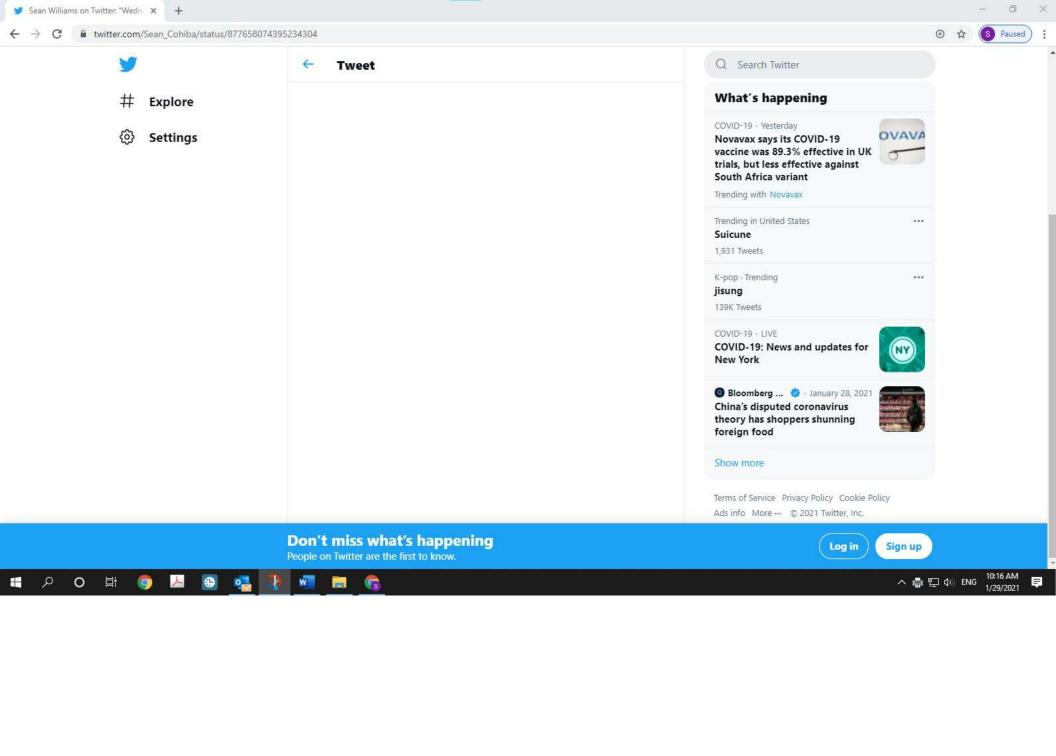
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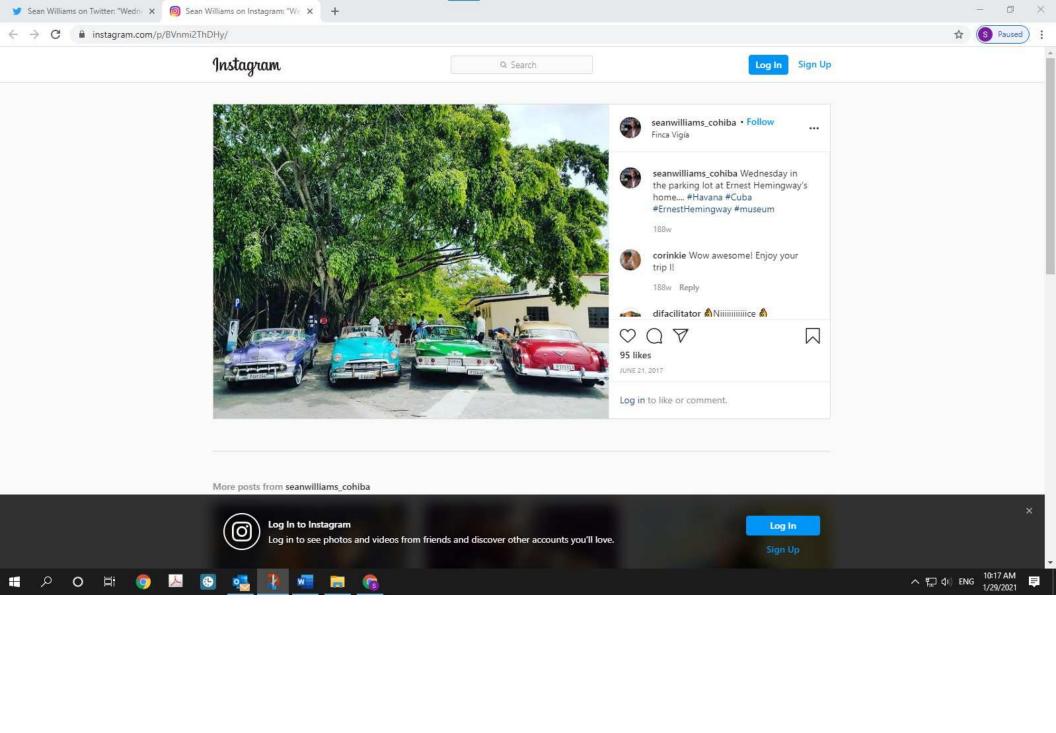
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V.		:	
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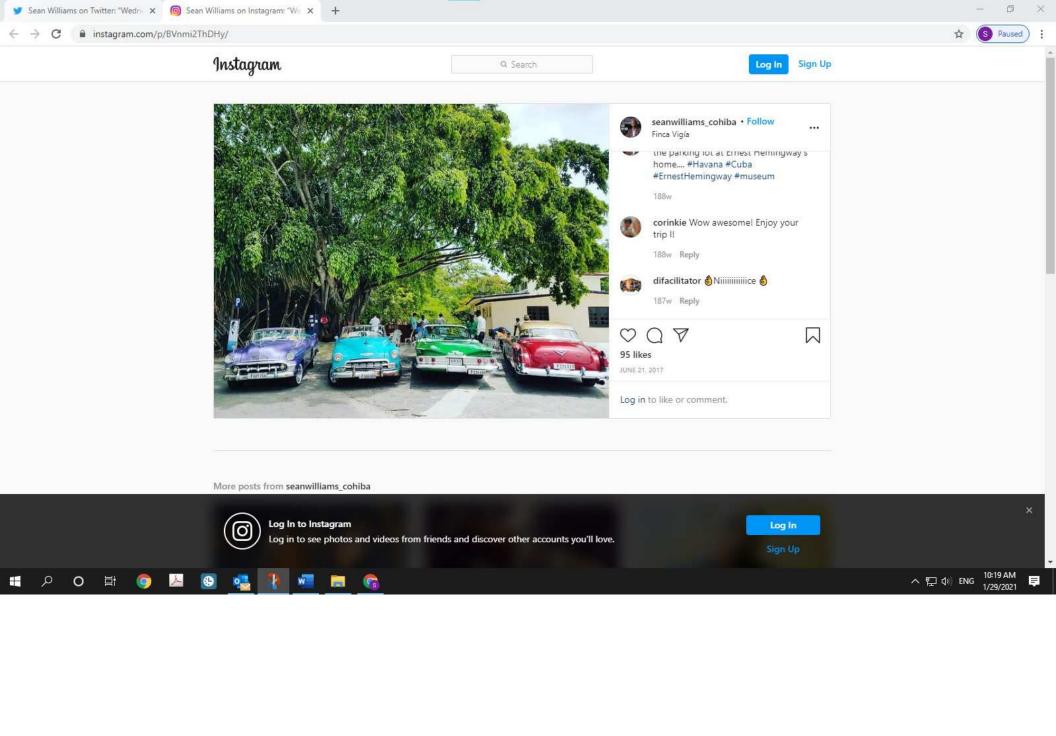
### SECOND DECLARATION OF SUSAN BAILEY

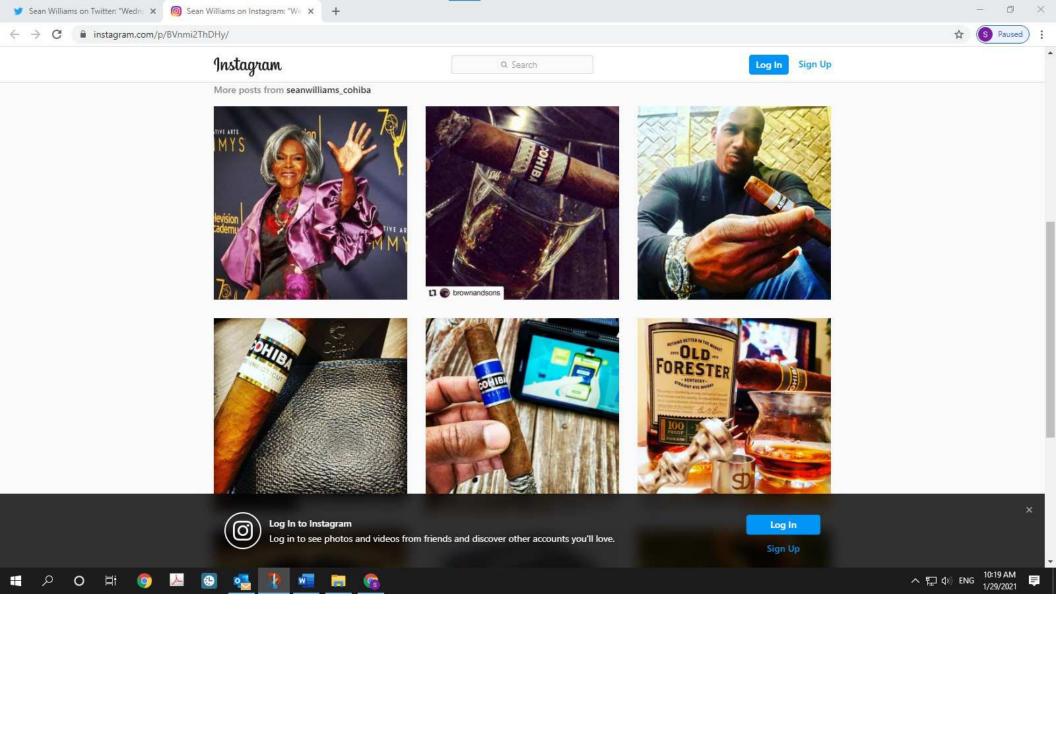
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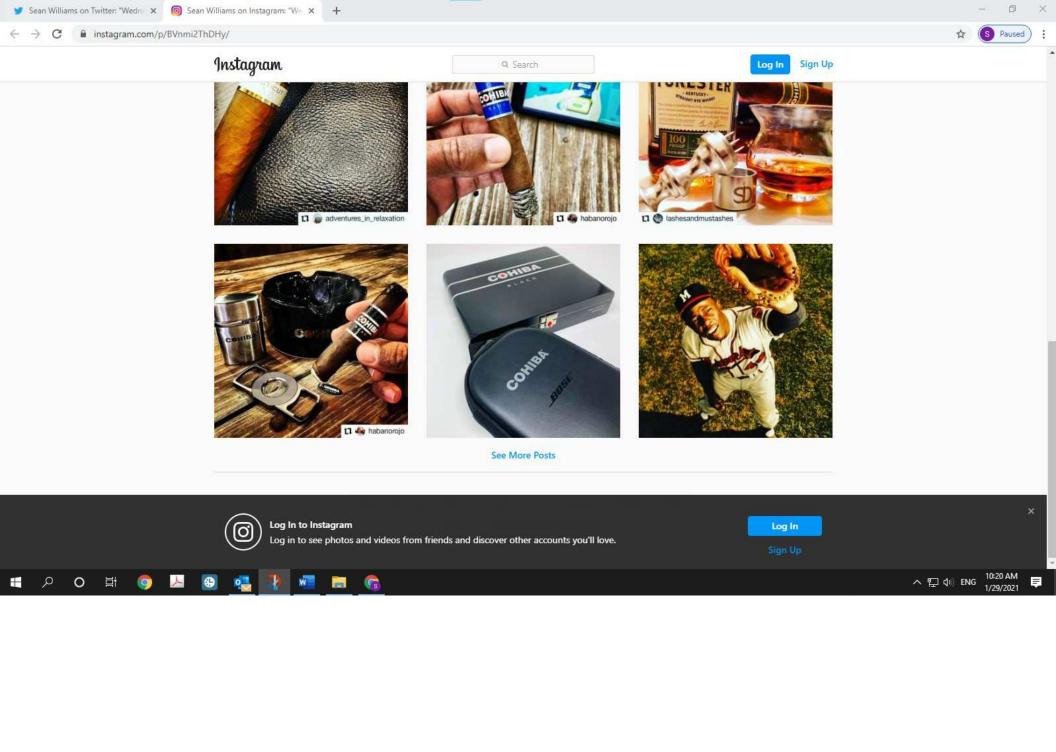












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Petitioner,	:	Cancellation No. 92025859
V.	:	
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Respondents.	:	
	: X	

# SECOND DECLARATION OF SUSAN BAILEY EXHIBIT 18



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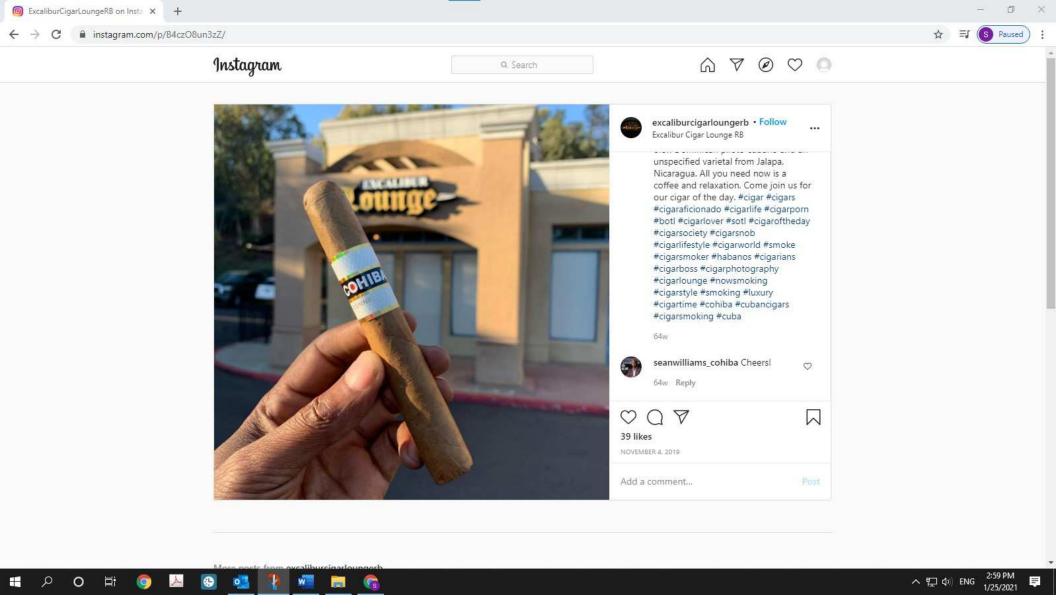










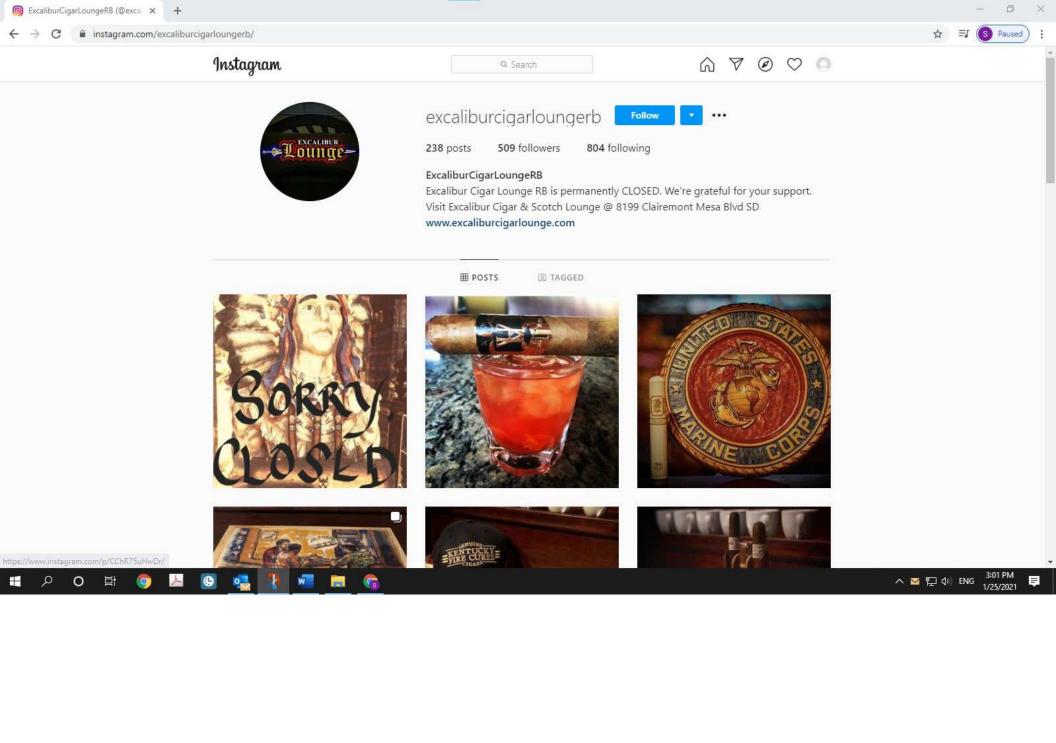


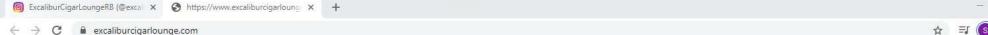
In the matter of Trademark Registration No. 1147309 For the mark COHIBA Date registered: February 17, 1981

**AND** 

In the matter of the Trademark For the mark COHIBA Date registered: June 6, 1995	Ü		
EMPRESA CUBANA DEI CUBATABACO,	L TABACO, d.b.a.	: :	
	Petitioner,	:	Cancellation No. 92025859
V.		:	
GENERAL CIGAR CO., INC. and CULBRO CORP.		:	
	Respondents.	: :	
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# SECOND DECLARATION OF SUSAN BAILEY EXHIBIT 19





































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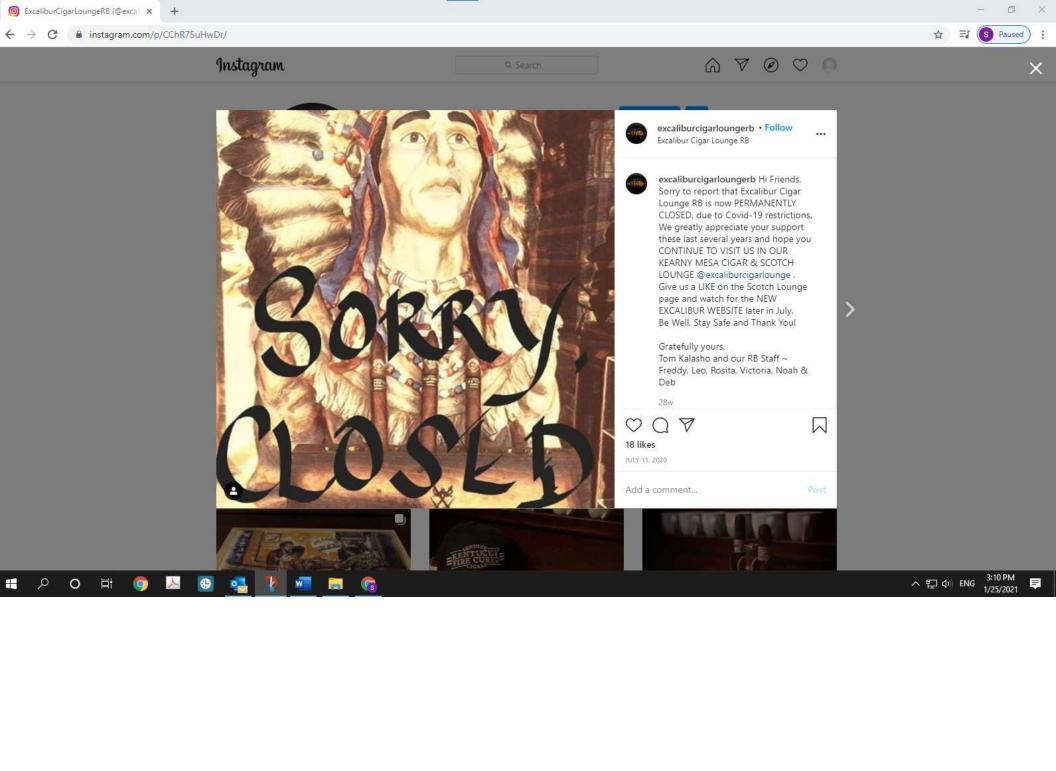
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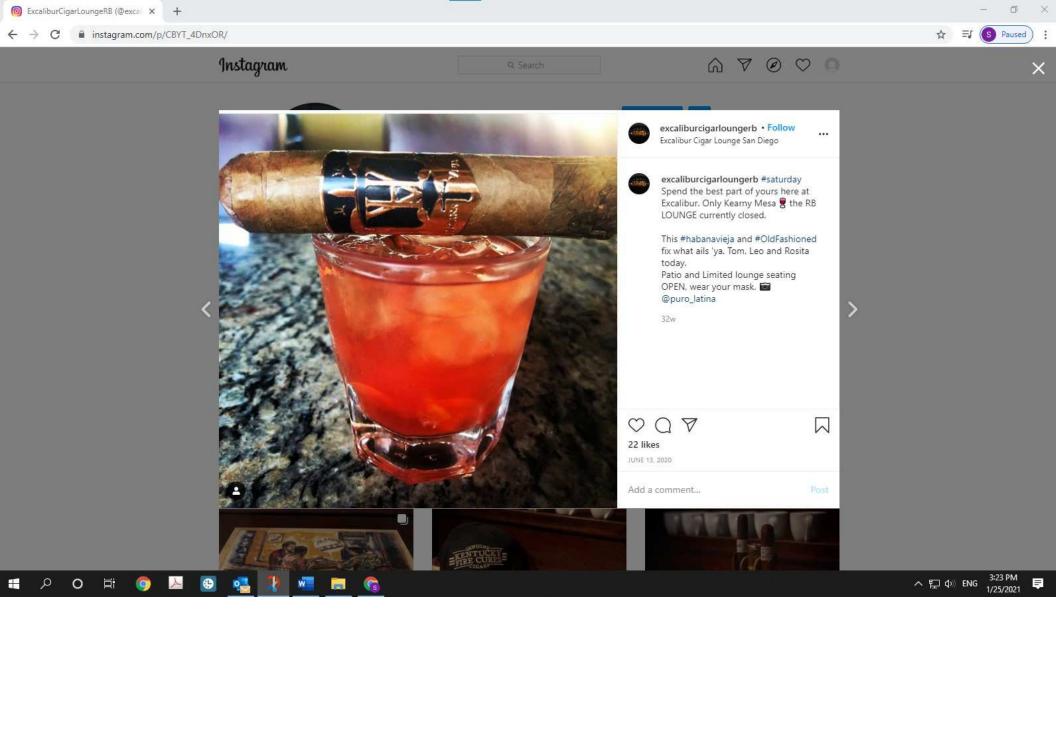
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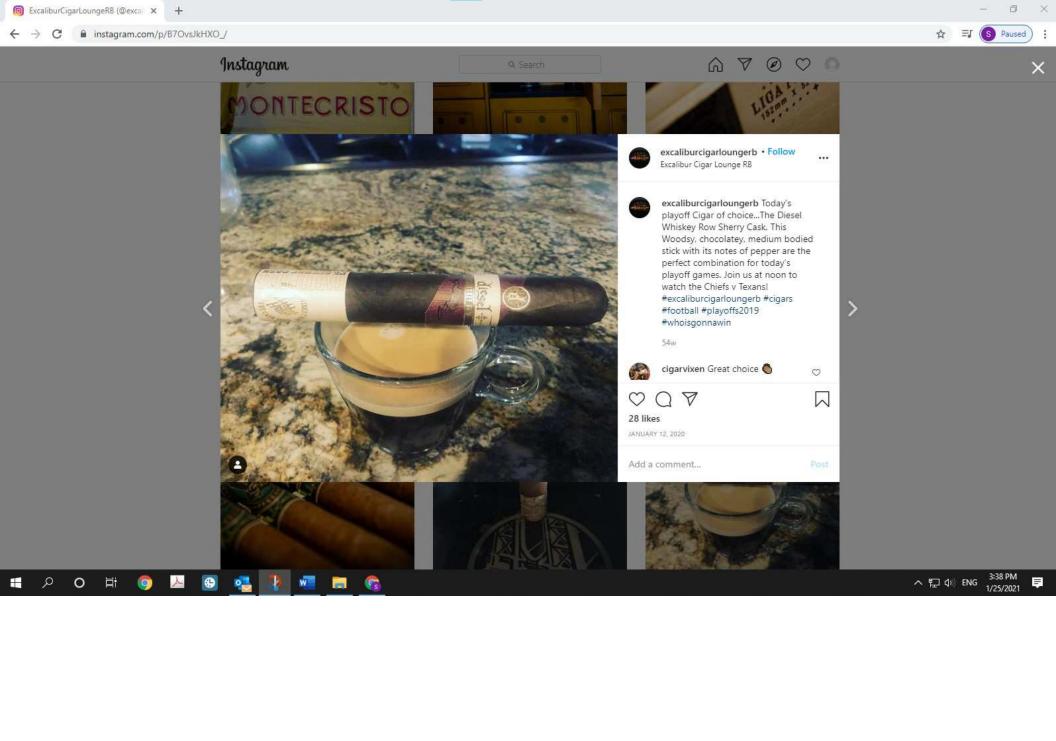
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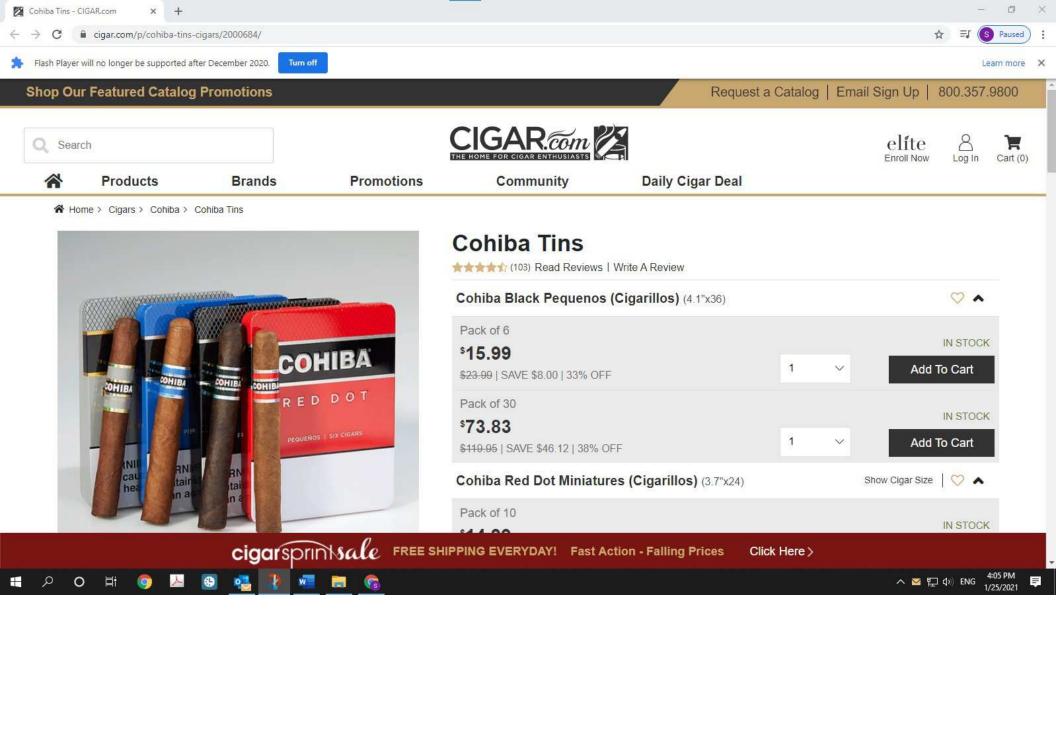


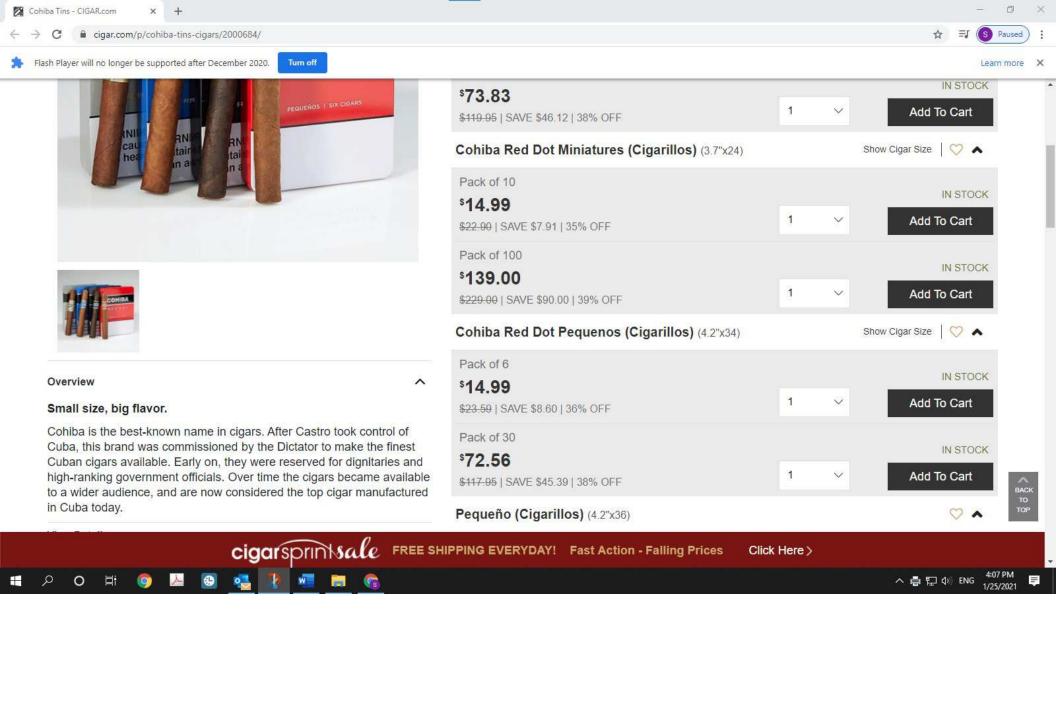
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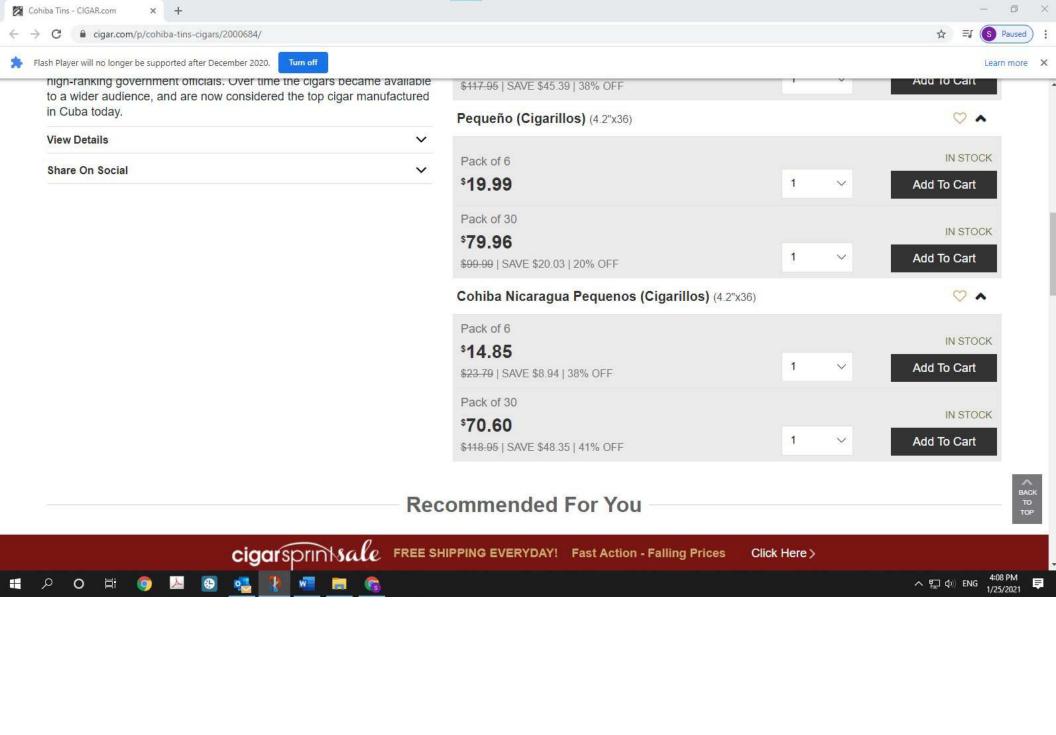
**AND** 

For the mark COHIBA Date registered: June 6, 19			
EMPRESA CUBANA CUBATABACO,	DEL TABACO, d.b.a.	: :	
	Petitioner,	: :	Cancellation No. 92025859
	V.	:	
GENERAL CIGAR CO., INC. and CULBRO CORP.		:	
	Respondents.	: :	
		x	

# SECOND DECLARATION OF SUSAN BAILEY EXHIBIT 20





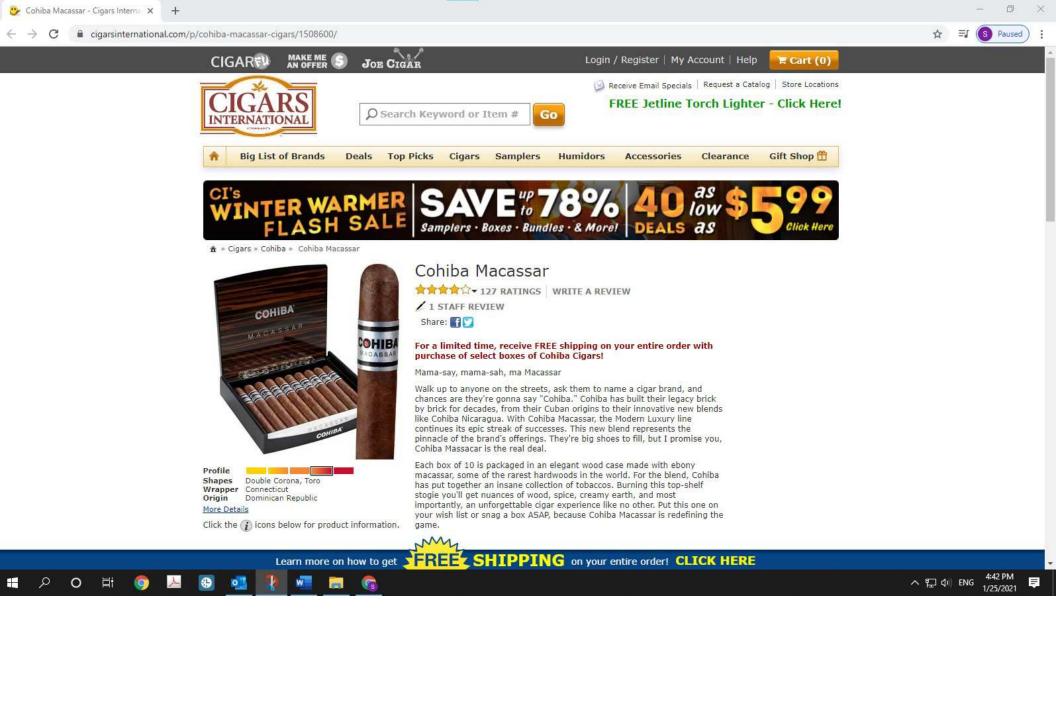


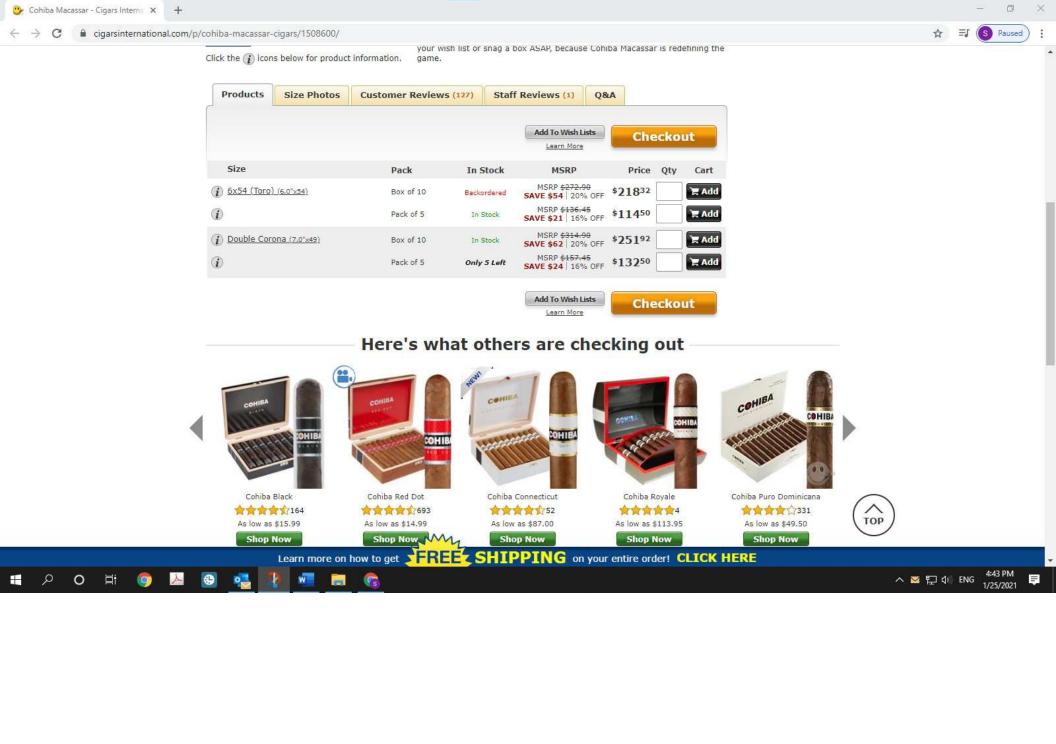
In the matter of Trademark Registration No. 1147309 For the mark COHIBA Date registered: February 17, 1981

**AND** 

For the mark COHIBA Date registered: June 6, 19			
EMPRESA CUBANA CUBATABACO,	DEL TABACO, d.b.a.	· X : :	
	Petitioner,	: :	Cancellation No. 92025859
	V.	:	
GENERAL CIGAR CO., INC. and CULBRO CORP.		:	
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# SECOND DECLARATION OF SUSAN BAILEY EXHIBIT 21











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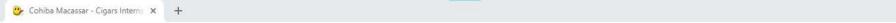


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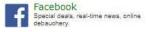
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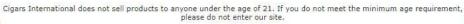




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	Petitioner,	: :	Cancellation No. 92025859
	V.	:	
GENERAL CIGAR CO., INC. and CULBRO CORP.		:	
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#### SECOND DECLARATION OF SUSAN BAILEY

#### **EXHIBIT 22**

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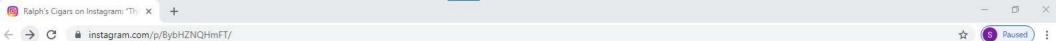


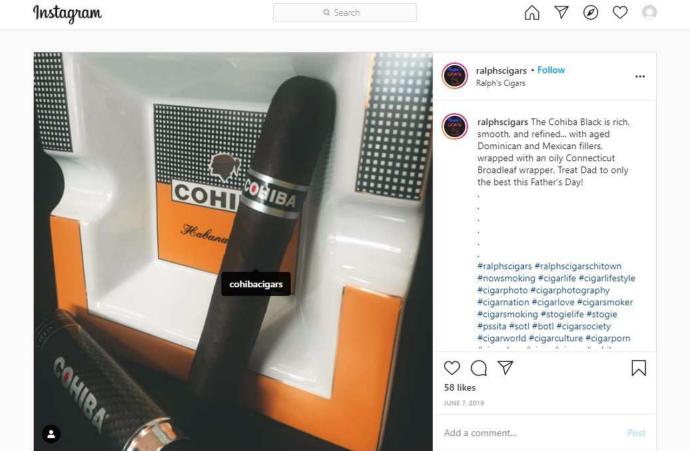


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	V.	:	
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### SECOND DECLARATION OF SUSAN BAILEY

**EXHIBIT 23** 

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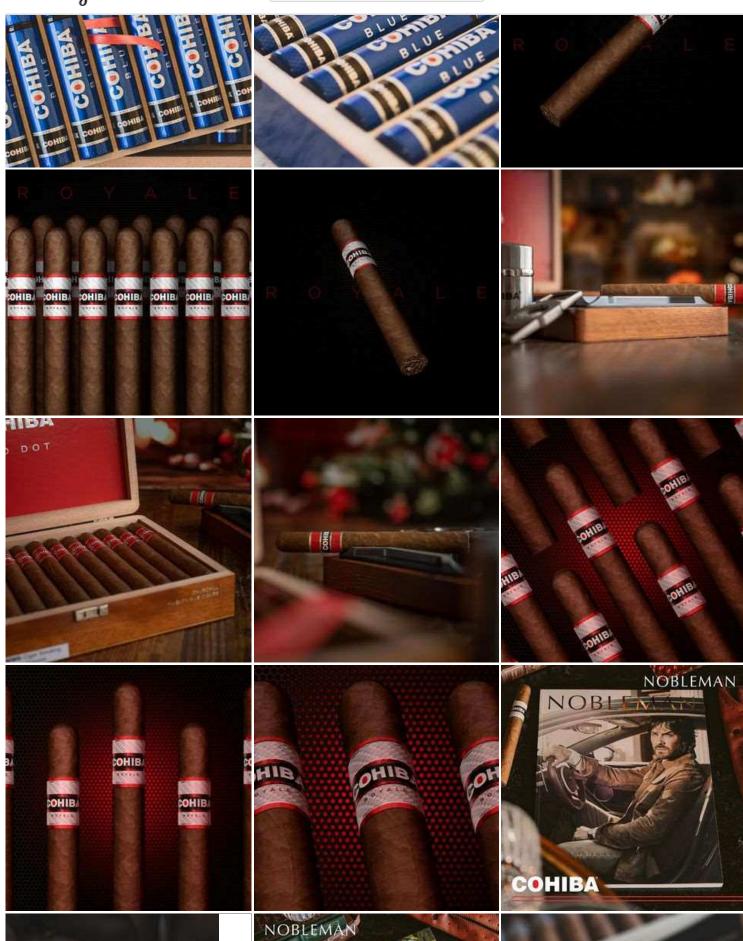












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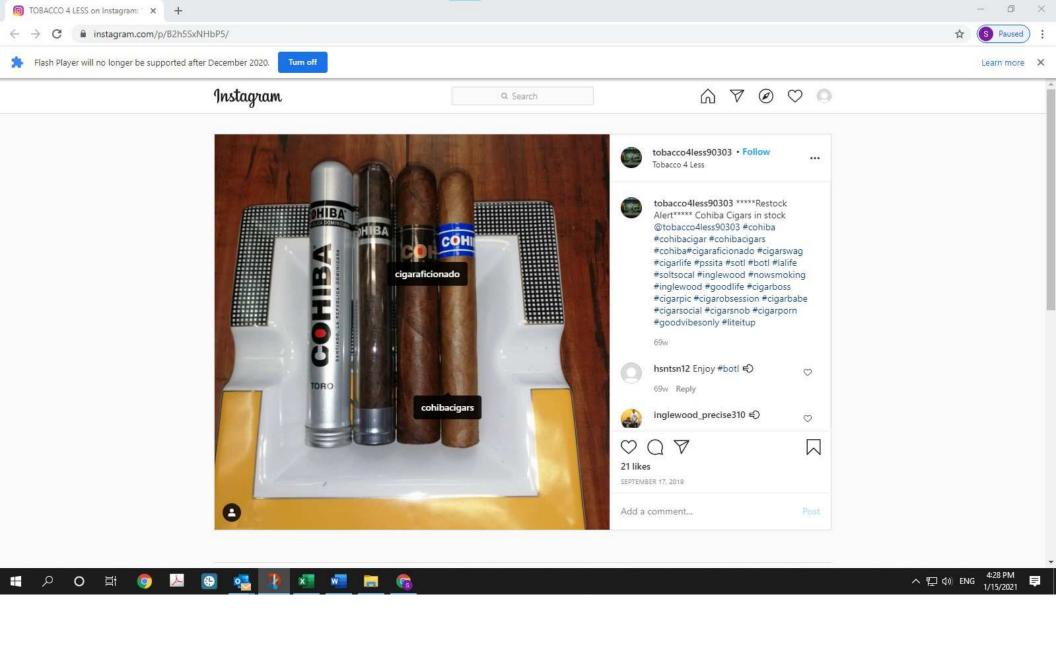
In the matter of Trademark Registration No. 1147309 For the mark COHIBA Date registered: February 17, 1981

**AND** 

In the matter of the Trademark F For the mark COHIBA Date registered: June 6, 1995			
EMPRESA CUBANA DEL CUBATABACO,		: :	
	Petitioner,	:	Cancellation No. 92025859
V.		:	
GENERAL CIGAR CO., INC. and CULBRO CORP.		:	
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### SECOND DECLARATION OF SUSAN BAILEY

**EXHIBIT 24** 



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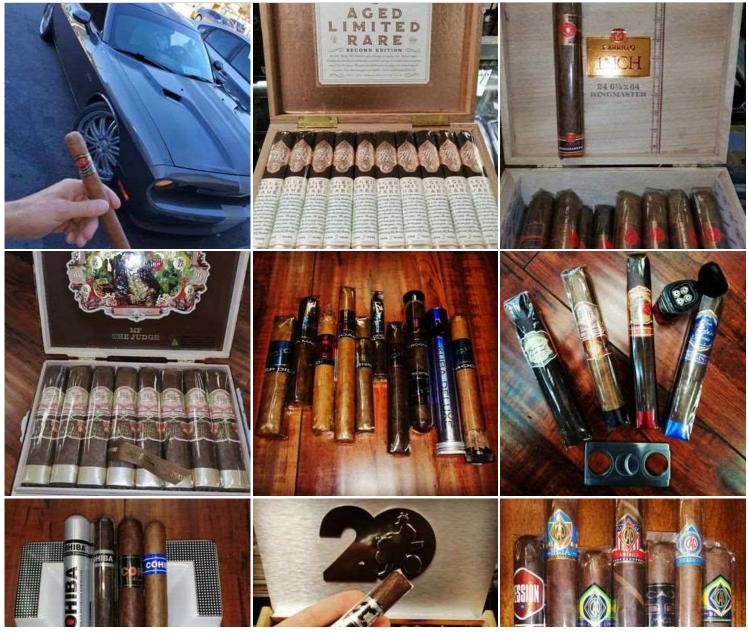
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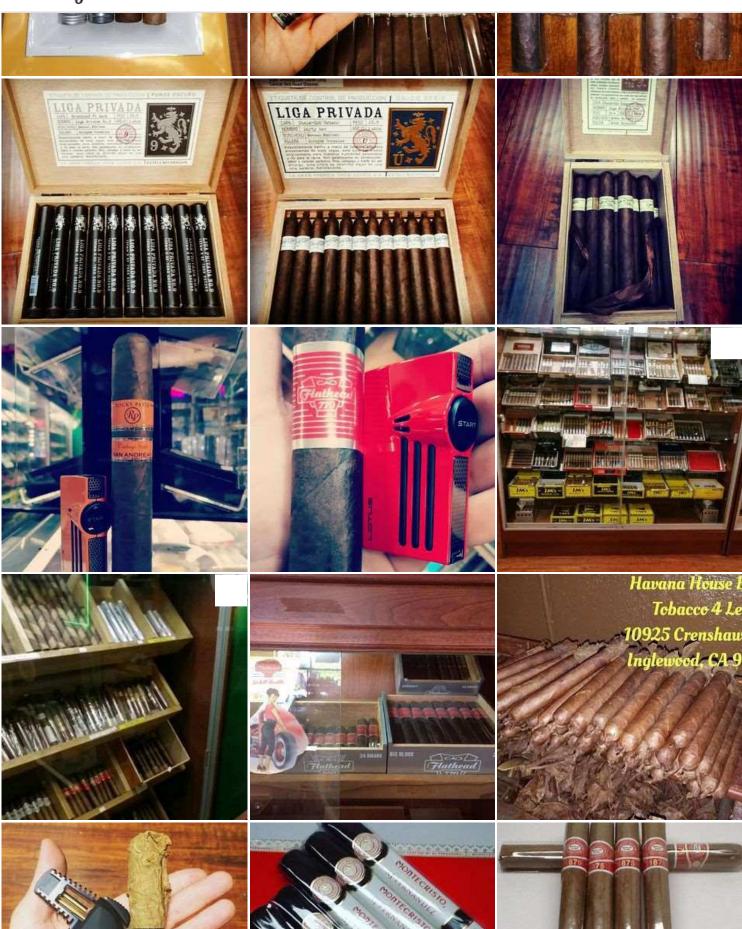












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